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THE BERKELEY MANUSCRIPTS



Lives of the Berkeleys

THE HISTORY OF THE

REIGN OF THE

THE BERKELEY MANUSCRIPTS

THE
Lives of the Berkeleys

LORDS OF THE
HONOUR, CASTLE AND MANOR OF BERKELEY

In the County of Gloucester

FROM 1066 TO 1618

WITH A DESCRIPTION OF THE
HUNDRED OF BERKELEY AND OF ITS INHABITANTS

BY JOHN SMYTH, OF NIBLEY

VOL. II

EDITED BY SIR JOHN MACLEAN, F.S.A., ETC.

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PREFACE TO VOLUME II

The second volume of the series of the Berkeley Manuscripts will be found to be not less valuable than the first, indeed it is of more comprehensive and wider interest. James Lord Berkeley, in the 2nd Henry vij., married Isabel eldest daughter of Thomas Mowbray 1st Duke of Norfolk of that house, his second daughter Margaret having become the wife of Sir Robert Howard Kn^t. Upon her marriage Isabel brought to her husband several manors in Warwickshire, and upon the failure of issue of John Mowbray the fourth Duke of Norfolk and Earl of Nottingham and Marshall (17th Edw. IV.) the heirs of the aforesaid Isabel and Margaret inherited the vast estates of the Mowbray family in divers counties, the said Isabel bringing, Smyth says, "the greatest masse of land to this family of any lady that was before her." These lands consisted of many manors in each of the several counties of York, Lincoln, Essex, Buckingham, Bedford, Warwick, Huntingdon, Salop, Leicester, Derby, Hertford, Cambridge, Sussex, Middlesex, and Surrey, together with divers manors in the Marches of Wales, and several Hundreds and Baronies both in England and Ireland. The acquisition of which of necessity very largely increased the topographical range of this work.

This great alliance, however, through the jealousy and inordinate ambition of William Lord Berkeley, the eldest son and successor of the Lord James by the marriage above mentioned, very nearly brought ruin upon this ancient and noble house. We know of no parallel in ancient or modern history to the lavish and extravagant alienations of this lord.

In 1483 the King conferred upon Sir John Howard, son of Sir Robert by Margaret the younger Mowbray co-heir, the Dukedom of Norfolk and the Earldom of Nottingham and Marshallship of England,

at

at the same time creating his son Thomas Earl of Surrey, both of whom were slain at Bosworth fighting for the White Rose, and were thereupon attainted. The honour granted to his cousin fired the anger and ambition of Lord Berkeley, and determined him to obtain, at whatever cost, a similar rank, or if not so high, at least the next in degree. This depended upon the King's favour, to obtain which he was prepared to make any sacrifice, however great. For substantial considerations, one of which was that the King should discharge him and James, Maurice and Thomas, his brothers, of £34,000, payable by them and James their late father to the Earl of Shrewsbury and Margaret his wife and John late Viscount Lisle their son, he had received from Edward IV. the rank of Viscount Berkeley, and was made a Privy Counsellor; but, in the words of Smyth, "having in his ambitious opinion too much land and too little honour," in 1483 he induced Richard III. to create him Earl of Nottingham. "This Earledom satisfying not; for to climb higher" he agreed to convey to the King thirty-five manors, to hold to the said King and the heirs of his body, but fortunately in default of such issue the remainder was limited to himself and his heirs. "Howbeit," Smyth says, "this profuse scattering at a clap hurt him not; for this estate taylor in the king determined the 22nd August following by the king's death at Bosworth field." "Soe prudent," Smyth says, "was this Earle's carriage between those adverse princes (Richard III. and the Earl of Richmond) ayding the one with men and the other with money, neither of both with his person, That hee preserved the favor of both, at least lost neither of them," and Henry vij soon afterwards created him Earl Marshal and Great Marshal of England, and it would seem plain that he was indebted to the good offices of Sir William Stanley the Lord Chamberlain in obtaining these honours, for at this time he granted to the said Sir William his purparty in some twenty manors, two castles, and divers lands in Shropshire and the Marches of Wales. Still grasping at higher honours, and without the inducement as in the first instance of the substantial release of a bond due by his family for a large sum of money, in 1487 he "affayleth" (says Smyth) the king for the Marquisate of Berkeley, and covenanted to convey by good assurance to himself and the heirs

heirs of his body the Castle and Manor of Berkeley and divers other manors, and, in default of such issue, remainder to the said king and the heirs male of his body, and in default of such issue remainder to his own right heirs. Whereupon in the following year he was created Marquis Berkeley to him and his heirs male, a limitation apparently not of much value, for he had not, and was not likely to have, issue. But this was not all, for, for their good offices with the king, he estated the Earl of Derby and other courtiers in all other his lands except a few manors which he settled upon his wife for the term of her life as dower, with remainder to the king under the same limitations as above. Maurice, his brother and heir apparent, who is believed to have justly remonstrated with the Marquis, perhaps with some natural intemperance, at the wanton and reckless manner in which, to gratify a selfish, overweening, personal ambition, he was bringing ruin upon an ancient and honourable house, had given him great offence, so that upon his death no lands whatever devolved upon his heirs. Nor in his will does the Marquis name his brother Maurice, or either of Maurice's three sons, or the four sons of his younger brother Thomas, nor did he leave sufficient personalty for the payment of his debts, which nevertheless Maurice, for the credit of the family, took upon himself to discharge. Through the obliging courtesy of the Rev. R. H. O'flaherty, vicar of Capel, Surrey, I am enabled to lay before the reader the text of this extraordinary testament, received since the volume has been made up, or it would have been introduced into the body of the work.

Test'm dñi Will'i Marchionis Berkeley & Comit'is Nottingham'

In dei nom'i Amen the vth day of the moynth of ffebruary the yere of our Lord God M^cccclxxxxi. And the vijth yere of the Reigne of King Henry the viith I Willyam Markes of Berkeley erle marchall and Nottingham and grete marchall of Englonð being of goode and hole mynde Loving and preying be vnto my Savio^r make and ordeyne this my pnt testament. and Last will in man^r and fo^rme ensuyng that is to sey furst and principally I bequeith and recomēd my soule to allmighty God my feid Maker and Savio^r And to the blessid virgyn ou^r Lady seint Mary and to all the holy company of hevin And my body to be buried in the church of ffires Augustin in London And I bequeith to the mother church of ou^r Lady of Worcestyr

Worcestyr C^r Itm I bequeith to the Vicar of the piſſh church of Barkeley for my
 tithes negligently forgoton and w'drawn In diſcharge of my ſoule xl^s Itm I will
 that myn executours Vndrewreten do by veſtimentis and ornamentis to the valure
 of xx marc' to be occupied in the ſeid fryre Auguſtines at the auter of Seint Rooke
 as longe at [ſic] they endure. Alſo I will that my ſeid executo's ordeyn ij freres
 ppetually to ſing in the White freres in fletestrete In the ſubbarbes of Londōn at
 the auter of Seint Gaſcon there to pray for my ſoule my Lord my fathers ſoule my
 moders ſoule my wiſe ſoule And the ſoules of my ſonne fyr Thomas Barkeley for
 euyrmōre Alſo I will that my ſeid executours ordeyne an other ffryre ppetually to
 ſing in the grey ffryres at Glouceſtyr foreuyrmōre to pray for my ſoule and the
 ſoules aforeſeid Itm I bequeith to the bilding of the ſeid Grey ffires xx^{li} Alſo I
 will that my ſeid executours purchefe Londes and tenements to the valure of x
 marc' yerely ou' all charges And therw^t make and founde A ppetuall chauntry at
 the aulter of our Lady of Pite in Epworth in the Cōunte of Lincoln to pray for the
 ſoules aforeſeid foreuyrmōre Itm I will that my ſeid executo's purchefe Londes and
 tenements to the yerely valure of xxij marc' And therw^t to founde and ordeyne ij
 ppetuall preſt^r at Longbrigge oōn of them dayly to ſing in the chapell of the
 Trinite there And that other dayly to ſing in the chapell of the church of Berkeley
 Where as my ſeid lord my fader and my ſeid ſonne lieth buryed to pray for the
 ſoules aforeſeid for euyrmōre Or elſe I will that the xxij marc' of Rent in fframpton
 be diſpoſed to the pforming of the ſame Alſo I will that my ſeid executo's ſpend
 and diſpoſe in bilding of an houſe at Longbrigge aforeſeid for ij preſtys to Inhabit
 [ſic] to dwell in C marc' of money Alſo I will that my ſeid executo's do by veſti-
 mentis and ornamentis to the ſeid chapell of Longbrigge to the valure of xl marc'
 Alſo I will that my ſeid executo's do purchefe a pdon from the court of Rome as
 Large as it may be had at Longbrig aforeſeid from evenſong to evenſong in the
 feſt of the Trinite for the playne Remiſſion to them that wilbe confeſſid and contrite
 And ther then to ſey iij pat'noſters and iij Aves for my ſoules [ſic] and the ſoules
 aforeſeid Itm I bequeith to John Wyting xl^{li} to be payd wⁱⁿ x yere after my
 deceeſe Itm to Richard Butteler x^{li} Itm I bequeith to John Skyll xx marc' to be
 paid in x yeres next after my deceeſe Itm I bequeith to Margarete Babbam x^{li}
 Itm to Eliſabeth Kelton C^r Itm to Symonet Stoute v marc' Itm to Elianore Gough
 x marc' Itm to Margery Brugh v marc' Itm I bequeith to Eliſabeth Berkeley xx
 marc' Itm [ſic] to be paid to hir wⁱⁿ x yere after my deceeſe Itm I bequeith to
 Margery Berkeley x marc' Itm to Agnes Mounceney v marc' Itm I bequeith to
 Richard Berkeley xl^s Itm to humfrey Stauerton xl^s Itē I bequeith to Richard
 Style xxvj^s viij^d Itm I bequeith to Thomas Herne xxvj^s viij^d Item to fyr Willyam
 ffayreway

PREFACE

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ffayreway xl^s Itm to ffrere John Wikes xx^s Itm to Robert Alinſon thelder xl^s Itm to Robert Alynſon the yonger xx^s Itm to Nicholas Mody xl^s All theſe to be payd to the pſones aboveſeid wⁱⁿ x yeris after my deceeſe Itm I will that my ſeid executours after my deceeſe ſatiſfie & Recompence all treſpaſis and wronge by me doon and not recompenced afore my deceeſe in diſcharge of my ſoule ſuche as ſhal be ſhewid and provided [ſic] before them wⁱⁿ x yeris next after my deceeſe And that to be proclaimed in euerie place where I have had moſt reſort unto in tymes paſt to thentent my detts and the ſeid wrongis may be truely content and ſatiſfied after euery true and reſonable mannes deſire Alſo I will that all my aray plate ſtuffe of houſehold and of the chapell after my deceeſe be deuided in ij partes that is to ſay the oon halfe therof to my welebeloved wiſſ Anne to hir owne uſe w^{out} any Lett fraude or delay And the other halfe therof to be diſpoſid and diſtributed in pforming and fulfilling of this my Laſt will and teſtament And I will that myn executours have take and pceyne all the iſſues pſits and revenues comyng and growing of my Lordſhippis and Maners of Wing Segrave in Penne And Marlow in the counte of Berks for the terme of xv yeris next after my deceeſe And after that if it fortune me to dye w^{out} iſſue of my body Then I will that the ſeid Lordſhippis and Maners Remayne to Thomas Erle of Derby And to the heires males of his body Lawfully begoton according to endentures betwene me and the ſeid Erle therof made And for Lake of ſuch iſſue I will that the ſeid Lordſhippis and Maners Remayne to Anne my wyfe for terme of hir Lyfe and after hir deceeſe the Remaynder therof to John [ſic] Berkley and to his heires males of hyr [ſic] body Lawfully begoton And for Lacke of ſuch iſſue the Remayndre therof to my Right heyres foreuermore Alſo I will that myn executōs have take and pceyne all the iſſue pſites and revenues of the maners of Seleby and Mountſorell and of the hundreth of Gofcote wth thapp'tenncs in the Counte of Leyceſt' now being in feoffees Handes from the tyme of my deceeſe vnto the tyme that my debts and Legacies be content and payd and this my Laſt Will Truly executed and pformed Alſo I will that if Eliſabeth Ducheffe of Norff' deceeſe be fore that my detts and legacies be paid and my Will pformed Than my ſeid executours have take and perceyne all the iſſues proſites and revenues of the Maners of Thurleſton in the counte of Warwik the man^r of Seham in the Counte of Leiceſter the maners of Alcabury Weſton in the Count of huntingd^r the Maners of Brēby Lynton Cotton Rēpingdon Reſlaſton and Aſſheburne in the Counte of Derby And of the Maners of ſfuntyndon and Thorney wth thapp'tenncs in the Counte of Suffex from the deceeſe of the ſeid Ducheffe unto the tyme that my ſeid dettis and Legacies be paid and content And this my Laſt Will truly executyd and pformed And alſo I will that the ſame Dame Anne my Wyfe after my will pformed have

have the feid Maners of Thurlaſton Segrave Alcumbury Weſton Bretby Lynton Cotton Repingdon Roſtelaſton and Affhebörne w^t thapp^ttenncis for terme of his Lyfe. Alſo I will that if I the feid Markes dye w^tout iſſue of my body comyng Than after my feid Will pformed I will that the feid Anne my wyfe have the feid maner of Seleby for terme of hir lyfe. Itm I will and bequeath to my feid wyfe all my tenementis in London and in Chelchehith in the Counte of Midd^x to have to hir that is to ſey the tenementis in London to hir in fee ſimple and at Chelchithe for terme of his [ſic] Lyfe. The Remayndre therof to John Wytyng aboveſeid in fee ſimple. And that my feid Wyffe ſhall paye for the tenementis in London to the fryers Auguſtines cc. marc^r for ij freres there ppetually to ſing and pray for the ſoules aforeſeid for evmore. Alſo I will that ſir Thomas ffitz Willyam Knyght Roberd Rede ſeriaunt of the Lawe and Garter King of Armes be truly content and paid of ther fees for terme of ther lyfe acording to the Graunts to them made. And I bequeath to Thomas frere Late Prio^r of the White ffryres in ſteſtrete and to his ſelow for to ſing for my ſoule xx marc^r. Alſo I bequeith to the feid ffreres euery yere x marc^r in to the tyme the fundation be made. Itm I bequeith to Watkyn taylo^r xx^s. And of this my pⁿt testament and Laſt Will endentid I mak and ordeyne myn executo^rs that is to ſey my feid wyfe the Reuerent fader in God Edmund Biffhope of Rocheſtr maift^r Richard ffitz James and Richard Withir. And I make and ordeyne Ouerſeers of the ſam^e my Laſt Will. The mooſt famous and criſten prince and my mooſt ſinguler goode and gracious Lord King Henry the vijth Thomas Erle of Derby aforeſeid and John Whiting. And I bequeith to euerich of my ſeyd executo^rs for ther Labo^rs in that p^tic^t to be had xx^{li}. And ſo eu^rey of myn o^rſeers x^{li} in money. In witten^eſſe wherof to this my pⁿt testament and laſt will I haue ſette my ſeale of myn Armes. The day and yere aboueſeid. Item I bequeith to Thomas Armerer xxvj^s viij^d. Itm to Thomas Creyford xx^s to Thomas Ticle Cooke xx^s to John Goodyf xl^s to John Doland xx^s. Probatum fuit ſupraſcriptum teſtamentū coram etc^r apud Lamhith ſeptio die menſis Aprilis Anno dni Milimo cccc^o nonageſimo ſecundo juramento Edwardi Konyngeſby et Dñe Anne Relicte eiufdem Ac approbat^r etc^r. Et comiſſa fuit adminiſtratio omniū bonorum etc^r dictē dñe Anne de bene etc^r. Ac de pleno Inuentario etc^r cit^r feſtū Penthecoſt Alijs executor^r reſutam etc^r.

Maurice Berkeley was as extraordinary a man as his brother, but of a totally different character. The former was intenſely ſelfiſh, unfor- giving, and greedy of perſonal rank, raſh and unprincipled in ſeeking it, and regardless of the honour of his family or of his own; the latter was prudent,

prudent, cautious, laborious, and persevering, not in the pursuit of his own advantage but for the benefit of his successors, in the endeavour to raise again the grand structure of his ancient house from the ruin into which it had been cast down by his brother's folly. Seeing himself and his heirs, in all human probability, for ever deprived by his brother's act, within a period of less than seven years, of the inheritance of every of his ancestral manors, and especially of the possession of Berkeley Castle by the tenure of which the Barony was at that time considered to be held, he did not, as many would have done, set himself down and submit to the inevitable. He at once commenced a careful examination of his brother the Marquis's deeds of sales, and finding therein many flaws of title, with great legal acumen and patient perseverance, beginning with the King himself, he succeeded in recovering in the short space of another seven years, out of broken and controverted titles, upwards of fifty manors besides other lands and possessions, of which he died seized, and the whole descended to his son Maurice, his able assistant in his legal struggles; for, throughout, he acted as his own lawyer in all the courts. Smyth gives a pathetic account of him as "with a milk-white head in his irksome old age of 70 years, in winter terms and frosty seasons, with a buckram bagg stuffed with law cases, in early mornings and late evenings walking with his eldest son between the four Inns of Court and Westminster Hall, following his law suits in his own old person, not for himself, but for his posterity, to regain part of those possessions which a vast brother had profusely consumed."

As an evidence that the Barony of Berkeley was at this date deemed to be held by tenure, Maurice Berkeley, though he still claimed to be Lord Berkeley, and the title was generally conceded to him, it was rudely rejected by Sir Robert Poyntz, whom Henry vij had appointed as Steward of the Manor and Hundred of Berkeley. That it was considered a Barony by tenure is also shewn by the fact that Maurice Berkeley was never summoned to Parliament, and that when his son Maurice, in the 14 Henry viij (1522) had summons by reason that the Castle and Manor of Berkeley was then vested in the Crown he had not
the

the precedence of his ancestors but was assigned the lowest place as the youngest baron. Moreover this Barony, if a new creation should have become extinct on the death of Maurice Lord Berkeley in 1523, s.p., and his son Thomas would not have had any claim whatever to summons, nevertheless in the very next Parliament, viz., that summoned to meet at Westminster 9 Aug. 21 Henry viij, Thomas Berkeley was summoned under the style of "Thomas Berkeley de Berkeley Chevalier," (though Smyth does not appear to have noted this summons,) and was given precisely the same precedence as that assigned to his son Henry after he, on the death of Edw. vj, succeeded to the Castle and honour of Berkeley. We shall abstain from entering further into the vexed question of the Baronial tenure of Berkeley. It will suffice to refer the reader to Smyth's disquisition thereon (Vol. II. p. 50,) and to mention that the claims of William Fitzharding Berkeley in 1829, and that of his brother Admiral Sir Maurice Frederick Fitzharding Berkeley, G.C.B., in 1838, to be summoned to Parliament as being seized of the Castle and honour of Berkeley, were rejected by the House of Lords, the former in 1831 being created Baron Segrave, the former titles having become extinct, and ten years later, the latter Baron Fitzharding in 1841.

This Volume, like the former, will be found to contain many particulars of great interest illustrative of the manners and customs, which are now extinct and forgotten, of the period which it covers, and vivid pictures of the habits and usages of the great baronial families.

The third Volume of the series, containing the "History of the Hundred of Berkeley," will be sent to press immediately. Its contents will be no less valuable and useful than those of its predecessors. Though these to some extent will be of a more local character, there will be much of wide general interest relating to the tenures of lands and manorial customs, to say nothing of the valuable pedigrees with which the Volume abounds.

J. M.

The Life of Thomas the Fourth

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The life of Thomas lord Berkeley the fourth of that name stiled in writings, Thomas de Berkelee chivaler, And Thomas dñs de Berkele miles. And Thomas de Berkeley dñs de Berkeley. And dñs Thomas dñs de Berkeley. And dñs Thomas de Berkeley dñs de Berkeley. And Thomas Berkeley miles dñs de Berkeley. And dñs Thomas Berkeley miles dñs de Berkeley. And dñs Thomas dñs de Berkeley et de infula. And in ffrench le honorable feignior mounsieur Thomas de Berkeley für de Berkeley And treshoñ et noble feignior mounsieur Thomas &c: And nobilis vir Thomas Berkeley dñs de Berkeley.

And may bee called Thomas the magnificent.

Contemporary with Edward the third, Richard the second Henry the 4th and Henry the fifth, from . 1368 . till . 1417.

The life of this lord I deliver to his posterity under these fifteene titles . viz:

- 1.—His birth and course of youth . fol : [448]
- 2.—His husbandries and hospitality . fol : [452]
- 3.—His forraigne imployments . fol : [454]
- 4.—His recreations and delights . fol : [459]
- 5.—His purchases and sales . fol : [460]
- 6.—His lawe fuites . fol : [464]
- 7.—His almes and devotions . fol : [466]
- 8.—His rewards to fervants . fol : [468]
- 9.—His miscellaines . fol : [471]
- 10.—His wife . fol : [476]
- 11.—His issue . fol : [477]
- 12.—His feales of Armes . fol : [483]
- 13.—His death and place of buriall . fol : [484]
- 14.—The lands whereof hee died seized . fol : [485]
- 15.—The Application and use of his life . fol : [486]

His

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His birth and course of youth.

Escaet. in turre
London. 42. E. 3.
post mortem
Mauric : de
Berkeley.

The birth of this lord was at Berkeley Castle in the vigill of the Epiphany the fifth of January called the twelvth Eve in the 26th of Edward the third. Anno. 1352. And now at the death of his father aged fifteen years five months and three days.

carta in castro de
Berkeley.

The longe sicknes of the last lord Maurice (occationed by his bloud spilt in the battle of Poytiers twelve years before) and the minority of this Thomas his heire, may seem to have quickned the treaty of this Thomas his mariage, to prevent thereby the wardship of his body by a speedy mariage of his son, if his own growing sicknes so constrained. whereupon at Berkeley on wednesday next after the feast of the holy Trinity in the 41th of Edward the third (a year before hee dyed) It was agreed betweene him on the one part And Gerrard Warren lord de Lisle of y^e other part, That Thomas de Berkelee his eldest son should marry Margaret daughter of the said Gerrard : And that with her hee should pay to the lord Maurice one thousand and one hundred markes,¹ whereof 400^{li} at the mariage, And 700^{li} at fower days in three years following, And that after the mariage solemnized the lord Maurice should allow them two hundred marks by the yeare for their maintenance, And one hundred marks presently : And that the said Margaret by reason of her tender age (then about seaven) should for fower years remaine with her father, And this Thomas de Berkeley with his father.

original : 50 : E. 3.
rot. 40. in scēio

claus : 47 E. 3.
m. 28. dorso.

fin. 24. E. 3. m. 5.

And it will bee to the illustration of divers passages following, to declare in this place That this Gerrardus Warren dñs de Infula usually called Warrinus de Infula, by Margaret his wife one of the heirs of S^r Wilm Pipard had issue only one son called Gerrard who shortly after dyed without issue, And that the said Margaret now to bee maryed to this Thomas de Berkeley was the daughter of the said Gerrard de Infula son of Warren de Infula and of Alice Tyes his wife daughter and heire of Henry lord Tyes and of Margaret his wife son of Henry lord Tyes who died the first of king Edward the second. Two antient Baronies now to bee grafted into the third of **Berkeley**.

But

¹ Query : pounds as after stated? [ED.]

But the sicknes of the lord Maurice Berkeley increasfing, notwithstanding the former agreement of fower years stay : they were by | his request maryed at the 449
 faid lord Lisle his houle at Wengrave in Buckinghamshire in November next following And being himself unable to travell to his fons marriage, fent with his fon to attend him three of his houfhold knights. S^r Richard de Acton, S^r John Tracy and S^r Nicholas de Berkeley, and 23 . of his houfhold Efquiers (all named in his houfhold Accompt ;) **The** knights were futed in their liveries of fine cloth of ray furred with miniver, And the Efquires in their liveries of courfer ray and lefs costly furre : And the young bridegroom himfelf was in fcarlet and fattin and a filver girdle **And** the lord Maurice himfelfe that kept home, infirmed in body, in honor notwithstanding of the mariage, made himfelf a fute de panno deaurato, which I thinke I may Englifh, cloth of gold ; **And** at the day of the folemnization of the marriage, S^r Richard de Acton gave the minftrels fourty fhillings : Out of this houfhold Accompt I can pick no more of this mariage.

Comp : garderob :
 41. E. 3. in caftro
 de Berkeley.

The bridegroomme and his knights returne to Berkeley. The lord Maurice dies the 8th of June following. The lands of Thomas his fon (now lord) becomes the kings in ward for two parts, hee then of the age of fifteen years and upwards as aforefaid, the firft wardfhip that ever had happened in the line of Berkeley ; **To** his father in lawe Warren de Infula, the king the firft of October following grants the cuftody of two parts of the young lords lands till full age for the rent of 400^{li} by the yeare.

Rot. fin. 42. E.
 m. 9.

The infants mother the lady Elizabeth bringeth her writ of dower which to her is affigned in Cowley, Upton S^r Leonards and Awre, as before hath been touched, and as after more fully is declared.

Rec: in fca^oio: 16.
 R. 2. Rot. 21. et
 42. E. 3. ibm.

The guardian having hufbanded his fon in lawes eftate to the advancement thereof without detriment, The ward, this lord, attaineth to full age the fifth of January in the 47th of Edward the third Anno . 1373 . fueth his livery for his lands difcended unto him in the Counties of Somerfet, Glouc : Wilts, Effex and the City of Briftoll, And accordingly enters upon the Eftate difcended unto him from his father : of new stocketh his demefnes, And falleth upon the old courfes of father and grandfathers hufbandries, that in this place need no repetition ; And forthwith paffeth to the warrs of ffrance as after followeth in his forraigne employments, being knighted at this time.

claus : 48. E. 3.
 m. 30.

Rot. franc : 48.
 E. 3 m : 8.

At the time of this lords marriage and for eight or ten years after this lords wife had a brother living called Gerrard after his fathers name maryed | to Anne 450
 daughter

claus : 47. E. 3.
m. 28. dorso.

daughter of Mounfieur Michael de la Pole, but dying without issue about the begining of Richard the second, the wholl lands of the two baronies of Lisle and Tyes discended upon this lords wife and this lord her husband, which fell the more entirely through the death of her mother who died in 49th of the same kinge.

comp. de Slim-
bridge 6. R. 2.

The lord Thomas bringeth his wife the lady Margaret to Berkeley about the fifth of Richard the second, whom her said father accompanyeth ; And in fewe months declareth his affection foe entirely to him, her, and the place, That the thirtieth of November in the fifth of Richard the second in a french deed Indented between them, they publish their mutuall agreements That hee the lord Lisle shall at his pleasure come, goe and dwell in his Castle at Berkeley at all hours, shall have free hunting in all his son in lawes chaces, parks, warrens, and in his free fishings, And that in all voyages of warre they two travell together, And his said son in lawe bee unto him an unseparable companion, And that hee and the issues that hee shall beget upon the body of his daughter, will alwayes use and beare the Armes of him the said lord Lisle, when time, after his death shall come.

carta in castro
de Berkeley.

comp : Recept. in
castro de Berkeley.

And accordingly the Armes of the said lord Lisle and Tyes were by this lord Thomas set up quartered in divers places within his Castle of Berkeley, whereof those in the windows in the great Chamber and at the head of the hall stayres before the Chapple doore do there yet remaine. Anno. 1624.

cartæ in castro
de Berkeley.

And to fit the clofer to the humor of the good old lord, this witty son in lawe maketh his daughter a Joynture of all the lands of his inheritance which were then held by the lady Elizabeth his mother, and the lady Katharine his grandfathers widow, in dower or Joynture from either of their husbands ; which two ladies left their lands and lives, the one in the ninth the other in the thirteenth of the said king Richard, as is before exprest, the better thereby to catch that great estate of his father in lawes, which now comes tumbling upon him.

Escaet. 6. R. 2.
nº 41.

451

fin. 6. R. 2. m. 6.
fin : 15. R. 2. pars.

1. m. 6.

claus : 18. R. 2.

m. 17.

cart : 6. H. 4.

m : 1.

For the good old lord de Infula the 28th of June next after these sweet and sociable agreements, in the sixth of Richard the second, | dyeth : And by offices the same year found and returned his said daughter is found to bee his sole daughter and heire, and to inherit these manors & lands, which then and shortly after by the death of Jone and Margaret two wives who held part of them in dower and Joynture, fell all in hand to this lord. viz^t

The manor of Wengrave in the County of Bucks.

The manor of Kissingbury

The manor of Stowe

} In the County of Northton

The

The manor of Chilton foliot	}	In the County of Wiltes.
The manor of Nethercote		
The manor of Draycote		
The manor of Horewell		
The manor of Kinge	}	In the County of Berks
The manor of Hordwell		
The manor of Colcot		
The manor of Ordeston		
The manor of Buden	}	In the County of Oxon.
The manor of Collicote		
The manor of Shirborne		
The manor of Noke		
The manor of Fretwell	}	In the County of Cornwall
The manor of Aylwerton		
The manor of Trewarnake		
The manor Penfans		
The manor of Charleton	}	In the County of Devon
The manor of Tetcote		
The manor of Clonton		
The manor of Norbony		
The manor of Langdon	}	

And divers Advowfons of Churches, and many faire farmes, lands and Tenements in ffullam, ffavelore, Uplamborne, Leverton, Bockhampton and other places, As the faid offices and many deeds Accompts and the great Chartulary in the Castle of Berkeley do shewe: fhee then of the age of. 22. years, whereby the poffeffions of the two baronies of Lifle and Tyes came to the Berkeleyan family, which by this mariage doubled the eftate thereof.

452

cartæ et com̃pi in
castro de Berkeley.

His husbandries and hospitality.

All those years of Edward the thirds raigne, after this lord Thomas came to full age, and untill the 8th of Richard the second or neere thereabouts, hee purfued the prefidents of his Ancestors husbandries as hath been faid; Then began the times to alter, and hee with them (much occationed by the infurrection of Wat Tyler and generally of all the Comons in the land,) And then instead of manureing his demefnes in each manor with his own fervants, oxen, kine, fheep, fwine, poultry and the like, under the oversight of the Reeves of the manors, who were (as ftill they are) each year chofen at the halimot Court of the manor holden about Michaelmas,

and

Comp : divers
manors.Stow et How in
vitæ. R. 2. et
mult. al :

and were bound to the same and collection of the lords rents without fallary, by the tenure of their Copihold messuages and lands for which the Reeve was yearly chosen,) This lord began to joynt and tack in other mens cattle into his pasture grounds by the week, month and quarter; And to sell his meadow grounds by the acre; And so between wind and water (as it were) continued part in tillage, and part let out and joynted as aforefaid for the rest of that kings raigne **And** after, in the time of Henry the fourth let out by the year still more and more by the acre as hee found chapmen and price to his likeing: And so left his estate in the fifth of Henry the fifth when hee dyed, **But** in the next age that succeeded, his nephewe and heire male the lord James who succeeded in these manors, (as did all other great lords of manors almost throughout the wholl kingdom,) in the times of Henry the sixth and Edward the fourth and after, yea to this present day, hee and they let out their manor houses and demesne lands, sometimes at raked improved rents according to the estimate of the time, And sometimes at
453 smaller rents, taking a fyne or incombe | of their tenants as they agreed, which is the generall course and husbandry for farr the most part, to this very day. And (to conclude with the voucher of my selfe,) it is that course whereunto after much toyl-
ing and turmoylinge with the plough, servants and husbandry, I am now fallen into, Hopinge that the litle remainder of my life, shall thereby have more profit, and Country quiet, then the foure and irksomenes of toile and hind servants would hitherto permit mee to tast of: And let me conclude in him that is the true period of all I write or say, And without whom I had neither written nor brought to birth any thing that is herein spoken, as being my principale movens and the causa causans sine qua non, George now lord Berkeley, And the rather because henceforth I meddle no more in these relations with this title of Husbandry: when hee shall attaine to one and twenty years, enjoy his lady, and they a family answerable to their births and dignities, and settled themselves to live at Berkeley Castle, or else where in the County of Gloucester, as all his noble and worthy Ancestors hitherto have done, (his degenerating grandfather in part excepted,) hee will have no better course then to advance his demesne lands to an improved rent payable quarterly, (as that Country fashion is,) And rather to supply his provissions for wheat, oates, & Straw, by the Tithes of some appropriate parsonage not farr from his abode, or by reservacōn upon such leases monthly or quarterly to be brought in, than to keep much tillage in his own hands, (the natures of hind servants, bayleys of husbandries and other incidents considered;) And no more (at most) of other grounds, then may supply his provissions of beefe and muttuns: But for the plough, none gaineth thereby but hee that layeth his eye or hand daily upon it; And as Clownes get it,
Clowns

Clowns againe spend it: Contrary arguments (for the state of that Country) are drawn, but out of the region of S^t Thomas Moores Vtopia.

As for the days works which his Copihold tenants at each feason of the year according to the nature of husbandry, did to him in each of his manors, in helping to drefs, till and manure his demefne lands, after a proportionable rate for a yard land, half yard land, and farrundell, they also were turned into money and made as pcell of the old Copihold rents, In which condition they continue to this day now undistinguifhable; As also were his rent hens, eggs, and mast money.

Comp. de Slim-
bridge et Hurst in
castro de Berkeley
9. R. 2. et divers:
alij.

And (to the praise of this lords husbandry) for foe much as hee kept in hand, none was more profitably husbanded by any of his Ancestors | servants, which foe frugally was accompted for, As in the time of Henry the fifth (when his estate was at the higheft, and hee in old age) they accompted not only for the broken wooll, but for the taggs and locks arisinge at the belting¹ of his sheep in the folds.

454
comp: de Slim-
bridge et Hurst
2. 3. et 4. H. 5.
in castro predict.

ffor the provission of his own table, this lord had yearly divers oxen fattened at Simondfall cum avenis in garbis with oates in the straw, which manner of feeding I have not formerly observed in the dayes of any of his Ancestors, neither do I well conceive the reason thereof: Hee having so rich and sweet feeding grounds for grafs and hay in places more neare unto his castle where his abode then was; And henceforth I bid (in effect) farwell to this harmlesse trade and title of Husbandry which hath on its side above all trades, better warrant, a fairer name, a more virgin fame and all feniority.

comp: de Simonds-
all temp. R. 2. in
castro de Berkeley.

His forren imploymnts.

In the 48th year of the raigne of Edward the third in the 22th of his age hee went to the warres in ffrance in comitiva Edmundi de mortuo mari Comitis Marchie, At what time went also with him many of the principall gentlemen his neighbours.

franc: 48. E. 3.
m. 8.

And being returned from those warrs, this lord and Hugh Earle Stafford are authorized to array all men at Armes in the County of Gloucester between sixteen and threescore, And to erect Becons (beknes) to give tokens by fire from these hills, of the enemies landings &c.

franc: 49. E. 3.
m. 8.

In the first and second years of Richard the second, this lord was employed both by sea and land in the warrs that then were hott both against ffrance and Spaine.

Rot. franc. 2. R.
2. m. 18.
Comp. de Ham.
1. 2. R. 2.

In

¹ To *belt* is to shear the buttocks and tails of the sheep.

Rot. franc. 4. R. 2.
m: 14. 15. et 16.

In the 4th of Richard the second, this lord was sent into Brittain against the French with a regiment of men at Armes and Archers, whom his third brother S^r John Berkeley accompanys: And upon the 30th of March the king commands all his officers to provide lodging, victualls, and carriage, for them and their Armes: And for the good successe of this Army | (over which the Earle of Buckingham the kings unckle, after Duke of Gloucester, went generall,) were publicke prayers commanded to bee made, for that (saith the record) the French making shew of peace under colour of treaties, with great subtilty had deceived the king.

455
eodē dorfo.

claus: 8. R. 2. dorfo.
pat: 8. R. 2. p^t 2.
in dorfo:

In July in the 8th year of his raigne, this lord went with the king against the Scots, after hee had all the former part of that year been travelled in mustering and Arming of foldiers, to withstand the invasion of the ffrench, intending a destruction of the kingdome, as the records are.

comp: de Slim-
bridge 9. R. 2.
How: et at:
froisard:

In the 9th year of Richard the second, this lord Thomas with a great troupe of his servants and tenants went with the king into Scotland, who, saith the histories of those times, ledd an Army, than which there hath not been seene a fairer, stronger or greater, which harroweth over that Country, And soe returned.

comp: de Slim-
bridge et al: 10.
R. 2. in cast^r de
Berkeley.
How: et at.

The next year the king cometh to Berkeley Castle, whom this lord royally entertained, As by the Accompts of the Reeves of his manors in that hundred may bee collected, from whence hee drew a great part of his provissions what time the wholl kingdome was in preparation to withstand the invasion of the French, then ready to have invaded the land; if wind had served for his transportation between the first of August and the last of November.

Rot. franc: 16. R.
2. m: 10. bis.

In the 16th year of the kings raigne, this lord went beyond seas into ffrence and other Countreyes, And upon his departure in September had the kings licence to take ship at Dover, Orwell, or Leistoft, as hee should choose with fifteen servants and so many horses and their Armes, and with one thousand markes in money in exchange for his and their expences beyond seas: This was no martiall expedition, but occasioned as it may seeme upon greefe conceived by the death of his wife, or to avoid the danger of Court stormes, which then began to bluster with an hollow wind.

Hollinges: fo: 498.
504. 505. et at.

Whilst King Richard the second in the last of his raigne was in Ireland revenginge the murder of Roger Mortimer Earle of March and Ulster, comitted by the

the Irish, Henry Duke of Lancaster returneth from his banishment into England, (whom this lord Thomas too much favoured,) And shortly after his arrivall cometh to Berkeley, in the church whereof and in the Castle of Berkeley upon the Sunday after St James's day was held that famous assembly betweene the Duke and Edmond of Langly Duke of Yorke the kings unckle, Earle also of Cambridge, This lord Thomas and many other the great peeres of the Land, which shortly after cost kinge | Richard his Crowne, which was set upon the head of the said Duke of Lancaster: In which assembly how the affections and Counsell of this lord Thomas fwayed, his present employments declared, for within a few days after, hee made himself a spetiall witnes at flint Castle of king Richards promise to renounce the Crowne; And on Michaelmas day following testified the same in the Tower of London before king Richard, who then there subscribed the same to bee true: And the morrow after when by the three estates of the land assembled in parliament, A Bishop, An Abbot, an Earle, a Baron, a Judge, and a knight, were out of that representative body chofen, to take, publish and pronounce the kings actuall resignation of his Crown and kingdome, and accordingly to depose him, This lord Thomas was the **Baron** in that waighty and dangerous imployment, having till that time inseparably accompanied the Duke of Lancaster in purfuit of King Richard since his departure from Berkeley.

Anno. 1399.
23. R. 2.

456

Walsingham.
fo: 359.

The 31th of July in the third year of Henry the fourth the king sends to this lord to meet him at Hereford, the 27th of August next, thence to goe with him against his malicious enemies Owen Glendourdy whom with his complices hee purpofeth utterly to overthrow.

claus: 3. H. 4.
pars 2. in dorso.

In July in the 4th year of Henry the fourth, the king ordained this lord one of the guardians for safe keeping the Marches of Wales against the incursions of Owen Glendourdy and other rebels: And commanded the Sherifes of fix Counties to bee attendant to him as need should require.

Rot. voiag. a. 1.
ad. 11. H. 4. m.
13. 14.
pat. 5. H. 4. ps.
1. m. 8.

The 22th of March in the fifth year of his raigne, the kinge made this lord Thomas Admirall of his fleet of ships from the mouth of Thames west and southward, with power also over his subjects in the Counties of Devon, Cornwall, Somersfet, and Dorset, who are to bee attendant on his directions: And himselfe to bee at Sandwich by the ninth of Aprill following. And a litle before was hee chofen and sworn one of the kings privy Counsell in open parliament, where I conceive also hee was chofen Admirall.

claus: 5. H. 4.
ps. 1. m. 1.
eodē pars. 2.

Rot. parliam. 5.
H. 4. m. 12.

And

carta in castro de
Berkeley.

And by Indenture dated the first of May in this fifth of Henry y^e fourth It was agreed between the king and this lord, That for safe guard of the Realme hee should for one quarter of the year have with him upon the sea, 300 men of Armes whereof five to bee Bañets himselfe | accompted, eleaven knights, 285. Esquires, which should bee of his own retinue : And to have further in his voyage . 600 . Archers, and seaven shippes seaven barges and seaven ballingers double manned with mariners ; And with these to bee at Southampton the 12th of that month : And the king to have the fourth part of all gaine got at sea from the enemies, And this lord and his company the other three parts. **But** if any great cheifstaine was taken, hee to remaine to the king, yet to bee recompensed reasonably for him ; And further that this lord should continue on the sea with his company till Michaelmas, if the king gives him a monthes warning before the three months bee out ; Howbeit hee kept the sea till December following, And the 24th of that month the king comands him to goe to Plymouth where hee then was with some of his ships, to Burdeaux for some service there to bee attempted : And for the better furnishing of this voyage, sold his manor of great Wenden in Effex.

claus : 5. H. 4.
pars. 1. m: 29.
codē : dorfo. m. 4.
5. 6. et. 7.

comp. rec: 5. H. 4.
in castro de Berk.

Rot. voia. a. 1.
ad 11. H. 4. m:
18. 19 in arce
London.

In the same 5th year of Henry the fourth upon the tumults raised by Owen Glendour and his partakers in Wales, this lord was sent thither with a great power for the appeasing thereof, which for that time hee did, wherein hee spent the later part of the yeare; what time the king made him keeper of his Castle of Brecknock, And then also gave him a Comission to take up six barges in the Counties of Bristoll, Somersfet and Glouc., and so many mariners as should suffice for them to goe to sea with them at the kings wages, with all diligence, which hee did.

Walsingh:
Hollingsh: fol: 531.

How, fol. 333

The ffrench were enemies to the English, And the more to endamage the king of England in the 6th of his raigne came with a Navy of one hundred and forty tall ships to ayd Owen Glendour then also in Arms against the king, and his most dangerous enemy: These, this lord and Henry Pay a Captaine under him, valliantly set upon neere Millford haven, where they intended to have landed, And after longe fight burned fifteen of their ships, and tooke 14. others stuffed with men, munition, and victualls, And soe returned with honor and profit.

Walsingham

And at another time this lord and Pay, and Thomas Swynburne (one of his domestick knights) tooke fourteene other French shippes as they failed towards Wales to the souccor of the said Owen Glendour, wherein the Seneschall of ffrence and divers Captaines of note were taken prisioners.

And

And in the sixth year the 28th of October the king writes to his Collectors of the Tenth of the Clergy granted at the last parliament in the province | of Canterbury in the Arch deaconryes of Exon, Totton, and Barnstable, declaring that whereas the lord Berkeley his Admirall hath lent him one thousand pounds towards his warres by sea, That they do repay him out of the first moneys of the subsidy of those Counties of Devon, Cornwall, and Dorset, And for default thereof out of the said Tenth of the Clergy, And it should bee allowed them upon their accompt.

claus. 6. H. 4.
m : 23.
458

And the 15th of July in the said 6th year, the king authorizeth this lord alone to muster and Arme all the able men in the Counties of Glouc., Bristoll, and Somerset, to withstand the in-cursions of the Welsh. And willeth him if need should so require whilst hee should bee in his service in the North, That then hee make Withm Beauchamp lord of Abergavenny his Leivtenant in South Wales to execute his directions.

Pat: 6. H. 4. m. 15.
in dorfo.

And in the 7th year of Henry the fourth, hee was the generall commander and Ingeneer in the Timber works used in the Welsh warrs, for the feige and debellation of the Castle of Lampadervar in Wales, held by the kings enemies.

Rot. voiag. a. 1.
ad. 11. H. 4. m. 9.
et. 28.

In March in the third of Henry the fifth this lord was required with his son in lawe the Earle of Warwicke to muster and trayne men in the Counties of Glouc: Somerset and Bristoll ; And in June following by a second cōmand, to defend with them the borders of Wales, and to resist the welsh, wherein that fomer was spent.

pat : 3: H. 5. pars.
1. dorfo.

codē pars. 2. dorfo.

Of this lord, Michaell Drayton in his description of the battle of Agencourt fought against the wholl power of the ffrench in the year . 1415 . in two stanzaes hath thus :

Berkeley and Burnell two brave English lords,
ffleht with ffrench bloud and in their valors pride,
Above their Armed heads, brandishing their swords
As they tryumphing through the Army ride,
Finding what prizes fortune heř affords
To every Soldier, and most wistly eyde
A gallant prifoner by his Arminge, see,
Of the great Bourbon family to bee. |
And from the foldier they this prifoner take,
Of which the ffrench lord seemeth wondrous faine,

Lewis Duke of
Bourbon taken
prifoner by a mean
foldier and after
stab'd by him.

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Thereby

Thereby his safety more secure to make,
Which when the soldier finds his hopes in vaine,
Soe rich a booty forced to forsake,
To put himself and prisoner out of paine
Hee on the sodaine stabs him, and doth sweare
Would th'have his ransome, they should take it there.

His recreations and delights.

comp. temp. R. 2.
manor de Slim-
bridge, Ham,
Cowley et divers.
al. in castro de
Berkeley.
Comp. de Hurst
6. R. 2. in castro
p'dict.

Of all his Ancestors this lord was the most magnificent stately and sumptuous, and more given to the sports of the field, (if more may bee,) then any of his forefathers; As may be collected, from his yearly charges in keeping of hounds and gray hounds for the chace of the hare, deere, fox, and badger, which hee not only did at his own mansion houses, but at most of his granges and farm houses: where at Hurst those hounds of that place in the 6th of Richard the second eate him eighteen quarters of Barley and Oates. And of his severall kinds of hawks for the feild and river. Hee also would to the threshing of the cock, pucke with hens, blindfold, and the like; Hee also kept his severall stables of great horses at Berkeley and Wotton, And at Berkeley hee kept great store of tame Pheasants, As by the wheat allowed for their feeding and wages of their keeper appeareth.

comp. 12. R. 2. in
cast. p'dict. de
Slimbridge et al:

comp: de Berkeley
12. 13. R. 2. et al.
ibm.

Hee had also at Berkeley his barge house at the Castle bridge foote, and his barge for his delight and recreations, aswell upon the haven as the river of Seavern, in which were his sea furnitures in a sumptuous manner.

comp. de Berkeley
9 et. 10. R. 2. ibm.

Hee much enlarged the ditch of Berkeley Castle, by taking a part of the Church yard, which hee recompensed with an yearly rent of . 6^s 8^d to the prisoners for amends, out of three tenements in Berkeley, and for the buying and maintaining of a litle fans bell, whereby the garden that was formerly in that place was destroyed; And this hee did with better successe then Maurice the first that committed the like act. |

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cartæ. 12. H. 4. in
castro de Berkeley.

Hee also enlarged divers of his parks, As Newparke, Over, and others, increasing therewith his games of deere; And by buying in the freeholds of Robert Hurd and others made the Worthy, (called the Worthy or Castle park,) first a parke; In the further end whereof, called the Twichen, next Newport, was the Capitall messuage or Scite of the manor of Alkington, where the Courts of that manor were ever kept, still discernable by the mott that compassed that house; In the floore or pavement

pavement whereof are still, (though divers of late years have been cut down and fold,) many faire great Elmes growing.

His purchâses and sales of lands.

The care which this lord Thomas had to enlarge his estate, (notwithstanding his costly delights and pleasures,) seemes litle inferior to the carefullest of his Ancestors; which addeth the more honor to his memory, in that hee had noe issue male of his body to inherit him, as after appeareth.

In the 49th of Edward the third, (as soone as hee had sued livery,) hee purchased divers messuages lands and Tenements in Slimbridge prish of Ralph Wallies, which at this day are the greatest part of the manor of Sages.

claus : 49 : E : 3 :
pars : 2 :
Escaet : 5 : H : 5 :
post mort. Tho :
dni : Berkeley.

In the 4th of Richard the second, this lord purchased of one S^r John Roch one knights fee and one acre of land in Cricklade in Wiltshire, & the Advowson of that Church. Whereupon take this note, That an entire knights fee consisteth of fower hides of land, one hide of fower yard land, one yard land of fower farrundells. And one farrundell of ten acres; A proportion throughout this barony, in all the old grants made by this lords fower first Ancestors, of lands by them enfeoffed in the hundred of Berkeley and elcewhere; As in my register booke of the lord Berkeleys tenures by knights service I have touched; which booke if God grant health I intend hereafter to reviewe.

Cartæ in castro
de Berk.

In the seaventeenth of Richard the second, this lord purchased of Walter lord fitz wauter the Advowson of Saint Andrews church by Baynards Castle in London.

magn: chart : fol.
239. in castro de
Berkel.

In the 18th of that king, hee purchased one fayre to bee holden at his Towne of Berkeley, in the vigill and day of the invention of the holy crosse, called hollirood day, in May, with all liberties and free customs to such a faire appertaininge, dated the 16th of february; which foe continueth to this day. Anno. 1624. And seems to have been wanting thitherunto: And the reason in part may seeme to have been because in times so stirring as former ages had been, the lords of that Burrowe Towne would not draw such concourse of people to their Castle gates, wherunder so great danger and so easy a surprize might by their opposites have been practized.

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Rot. cart. 18. 19.
R. 2. m : 13.

In the 22th of Richard the second hee purchased of S^r Thomas Arthur knight divers messuages and Tenements in Weston in Gordano in the County of Somerset, enlarging thereby his antient manor of Portbury.

carta in castro
de Berkeley.

The

carta in castro
de Berkeley.

The same year hee purchafed of Thomas Norton, an antient meffuage called Whelpſplace, and divers other lands in Wraxell in the ſaid County whereby hee further enlarged his ſaid manor of Portbury.

cartæ in caſtro
de Berkeley.

The ſame year hee purchafed of Almaricus de Sancto Amando, the manors of Southcerny and Cerniwiki in the County of Glouc.

cart : 2. H. 4. ps.
2. m : 1.

pat : 1. H. 5. pars.
1. m : 11.

The 24th of Auguſt in the ſecond of Henry the fourth hee purchafed of the king free warren in his manors of Walton, Weſton Portſhead and Chareltan in the County of Somerſet, which alſo in the firſt of Henry the fifth were by that king confirmed unto him : As alſo then was the grant of free warren made to his Anceſtor Maurice the ſecond in the 8th of Edward the firſt, As in his life is expreſſed.

carta in caſtro
de Berkeley.

See before
fol. [324]

In the 12th of Henry the fourth hee purchafed divers lands and tenements at Wixtowe near the woods end of Hill ; and two groves there called cat grove and hanginge grove, for the enlarging of Newparke, part whereof his grandfather the lord Thomas the third, before in the 33th of Edward the third, got in.

fin. in banco Term
Michis. 12. H. 4.

The ſame year hee purchafed of Robert Stanſhawe and Ifable his wife a meffuage and ſixteen acres of land in Bradley near Wotton under edge.

carta in caſtro
de Berkeley.

In the 13th of Henry the fourth hee purchafed the manor of Wike in Wiltſhire of S^r William Eſturmy knight.

carta in caſtr.
de Berk :
finis. 13. H. 4.
in banco.

The ſame year hee purchafed a meffuage and divers lands in Horton and Yate of Robert Stanſhawe and Ifable his wife aforeſaid. |

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carta in caſtro
de Berk :
claus. 13. H. 4. m.
17. et. 18. dorſo.

The ſame year hee purchafed the Advowſon of the Church of Porteshead in Gordon, and goreacre, of Reginald Hall in the County of Som^r now the inheritance of the mayor and Cominalty of Briſtoll ; And alſo at the ſame time the Advowſon of Walton in the ſaid County.

finis in banc :
13. H. 4. moſt
antiently called
acholt.
See fol.

In the ſame year hee purchafed the Advowſon or foundaçon of the Abby of Kingſwood, otherwiſe called the Abby of Myryford by Wotton under edge, of the Ciſtertian order, of Richard Chedder and Elizabeth his wife, daughter and heir of Robert Cantelo, ſon of Robert and Maud his wife, fiſter and heir of S^r Nicholas Berkeley

Berkeley lord of Durfley ; (In which Nicholas failed that antient Saxon name of Berkeley of Durfley,) as formerly hath been said in the life of Robert the first.

In the 14th year of the said king hee purchafed of John More and Margery his wife, daughter and heire of Reginald Walleis, a messuage and carucate of land, and divers other lands, wood, and cheife rents, in Wike, Berkeley, Hame, and Alkington.

carta in castro de Berkeley.

In the first year of Henry the fifth this lord purchafed of Julian Banister the moytie of the manor of Nethercote in Wiltshire for her life, And the fee thereof of Trevilines and Alet.

carta in castro de Berk : magn : chart : fo. 229.

The same year hee purchafed divers fair lands and tenements in Estpike in the Tything of Tetcote in Devonshire.

carta in castro de Berk :

The same year hee obtained a confirmation from the king of free warren throughout all Berkeley herneffe, and in Portbury in the County of Somersfet.

fin : 1 H. 5. ps. 2. m. 10.

In the second of Henry the fifth hee purchafed of John Ap-Adam and Margaret his wife, the manor and lordshipp of Sherncote in Wiltshire.

carta in castro de Berk. magn : chart. fo. 399.

In the third of Henry the fifth hee purchafed by fine the manor of Tykenham in the County of Somersfet, of S^r Thomas fitz Nicholl knight, a discendant from the lord Robert the first, as formerly I have written in his life.

finis in banco. 3. H. 5.

And to ease my pen, If this family cast an eye into the severall Inquifitions found after the death of this lord in the fifth of Henry | the fifth, and into the Inquifition in the 17th of Henry the 6th And into a quæ plura the second year after, all found after the death of Richard Beauchamp Earle of Warwicke who had married this lords only daughter and heire, they shall find nigh fowerfcore other purchafes made by this lord of houses and lands in the City of Glouc: Berkeley, Wotton, Awre, Arlingham, and other places in the County of Gloucester ; And in Portbury, Bedminster and other places in the County of Somersfet ; And in Chicklade and other places in the County of Wilts ; none of w^{ch} are formerly mentioned ; (of all which the said lord made a feoffment to Walter Poole on midsomer day before hee dyed, not declaring to what use ;) And if this family will looke further into a heap of little deeds themselves remaining in Berkeley Castle, and into certaine rolls or abstracts of many other deeds in Berkeley Castle also, (whose originalls are perished,) they shall find above five hundred other small purchafes more, by this lord

Escaet. 5. H. 5. post mort. dñi Thom : 463

Eschaet : 17. 18. H. 6. in arce London.

Carta in castro de Berkeley

lord and by his father and grandfather, (some of leffe then an acre,) of free hold lands that lay intermingled with their demefnes and the Copiholds of their tenants, none of which are formerly quoted by mee ; which gave this lord, (as they did them,) the means to inclose the Worthy or Castle parke, and to make a parke of it, as this lord first did, And to reduce many other faire inclosures into severalty ; And no one endeavour was greater with this lord and them, those two precedent Ancestors, then to buy out as many of such freeholds as would bee sold, the maine obstacles to their inclosures improvements and convercōns, and to the beauty and enriching of their barony.

But instead of this title of purchases, I shall in the lives of those lords that follow, have sales of manors, without rebuyings ; And instead of husbandry I shall have swarmes of law suites without gaine or recoverings, And the like a cleane contrary way, as after followeth.

claus : 5. H. 4.
pars. 1. dorfo :
m. 4. 5. 6.

And for the sales of this lord Thomas, hee sold only, (for ought I find,) the manor of great Wenden in Essex, in the fifth of king Henry the 4th to Willelm Loveny ; which was done to furnish himself to sea, then made lord Admirall, the king wanting money to set out his fleet, which this lord in part thus supplied ; And the rather because hee was cast into that office by the appointment of the parliament, as already is touched. |

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His suites in lawe.

Trim. 16. R. 2.
rot. 21 in scōio
cum rem̃ thesauſ.
Baronia

In the 16th year of Richard the second, hee was questioned in the Exchequer for a Releefe for those manors and lands which the lady Katharine his grandfathers second wife held of his inheritance in the Counties of Gloucester and Somerset, (there named,) estimated to a third part of his lordshipp of Berkeley, shee dead then seaven years past ; And which were holden of the king in Capite by five knights fees, saith the record ; In avoydance of which demand, hee pleadeth that no releefe was due, for that hee was in ward to king Edward the third after the death of his father, aswell for the revercōn of those manors and lands held by the said Katharine, as for his other manors and lands discended upon him in possession. whereof the said king by his then Escheator was answered the profits ; As of the Castle and Town of Berkeley with the members thereof, as Hame, Alkington, Appleridge, Hinton, Slimbridge, with the Advowson thereof, Cowley, Upton S^t Leonards, and two parts of the hundred of Berkeley ; And further set out That to the lady Elizabeth his mother, was then assigned for her dower after his fathers death, the manors
of

of Cowley, Upton St Leonards, and Awre, as the third part of two parts of his fathers lands: And further averreth that Warren de Infula (his wives father,) had the profits of the said two parts of his fathers lands, by the kings grant made to him the first of October in the 42th of Edward the third, during his minority; And from his fathers death till that grant, the kinge himself by his said Escheator was answered the profits, as in his Accompt appeareth: which longe proces was continued upon the roll, till the 11th of Henry the fourth, And then was this lord over-ruled to pay . 6^{li} 15^s for a releefe for those manors, which the said lady Katharine Baronia held in dower, as the tenth part of the barony of Berkeley.

The same year arose another Exchequer buisines more full of trouble, about 16. R. 2. the hospitall of St Katharines in this lords manor of Bedminster, whereof his Ancestor Robert the second was founder as in his life appears; wherein the maine question was, whether the said hospitall, and the Chantry founded in the Chapple there were one and the same or not; which was by Jury found soe to bee, And so avoided the charge | of the record; which tooke begininge from an injurious In- 465 quisiçon found before the Escheator of that County of Somersfet.

In the ninth of Richard the second, the said Lady Katharine his grandfathers fin : 9. R. 2. m. 4. second wife being then dead, this lord sued livery for such lands as shee held for her life of his inheritance in the Counties of Gloucester and Somersfet, And for twenty shillings hath his homage respited.

In the 13th of Richard the second, the lady Elizabeth his mother dying, this claus : 13. R. 2.
pars. 1. m : 26. lord entred upon the lands which shee held in Joynture and dower, As the manors of Cowley, Upton St Leonards and Awre, with Etlowe and Blakeney and the hundred of Bledislowe, and one messuage and yard land in Saintly, And the manor of Hurst, and twenty and two marks rent in fframpton, And—12^{li} 12^s rent in Came; And upon great Wenden in Effex, and upon two parts of the manor of Portbury, And three messuages and two yard land and one dove house in Porteshned, Criston and Uphill, with the Advowson of Brene, And ten pounds rent out of the lands of the lord Zuch in Bridgwater, And upon the Isle of Stepholmes, in the County of Somersfet; And a messuage and threescore acres and ten shillings rent in Chicklade in Wiltshire.

In the 11th of Henry the fourth, this lord Thomas brought his Assize of Rec : exemp : in
castro de Berk : novell disseisin against Withm Test and two others of Frampton upon Seaverne for six

fix hundred acres of land in Slimbridge, wherein upon a Tryall before Judge Hulls at Gloucester Affizes hee recovered his seisin, and five pounds for damages : This
 vide fol : was of Slimbridge Warth, which his heir male the lord James in the fifteenth of Henry the Sixth exemplified, when further suite was about that warth. |

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His Almes and devotions.

Bulla papal : sub
 sigillo plumbeo in
 castro de Berkeley.

Pope Vrban the sixth in the second year of his popedome, the 9th of July in the fourth of Richard the second. Anno : 1380, by his Episcopall bull gave leave to this lord Thomas and to the lady Margaret his wife to chuse for their confessor such a fit and discreet priest as they pleased, to heare their confessions, give them absolution of their sins, and to enjoyne them wholsome penance, unles it bee in those cases, wherein the Apostolike sea is first to bee consulted with : Assuring all men that infringe this his holines grant, that they incurre the indignation of Allmighty God and of the blessed Apostles Peter and Paul.

And the same day and year by his other bull, granted to this lord Thomas and Margaret his wife to have a portable altar, whereat either by their own priest or any other they might say masse and other divine service in their own presence.

And the same day and year by his third bull granted that the Confessor which either of them the lord Thomas and Margaret should choose, should have from the Apostolike authority by vertue thereof, full power to give them full remission of all their sins, for which they were contrite in hart and which they had confessed with their mouthes once only in the instant of their deaths, they then persisting in sincerity of faith, and in the unity of the holy Roman Church, and in the obedience and devotion of his holines or of his successors canonically entringe into that chaire : yet soe that what their confessor should enjoyne them, bee by them performed if they live, or by their heir if they dye ; And soe that for this grace obtained they bee not made more prone, (which God forbid,) to unlawfull things, which, if upon confidence of this remission of their sins, they doe the rather comit, That then as to those sins the foresaid remission shall not extend.

And hereupon I may by a pardonable digression say, That at this time the Schisme in the papacy continued, Clement the seaventh was now also pope and held his see at Avignon in France ; And was, (as many histories in those and these times report,) generally acknowledged for lawfull pope by the ffrench, Spaniards and
 467 English ; Howbeit it | seemeth the perticuler affection of this lord and his wife went after Vrban, or els graces were of him obtained at an easier price than of Clement.

Of which Vrban it is thus written, That he was the . 204th Bishop of Rome, chofen pope in the year—1378. A Neopolitan, Arch-bishop of Bari and no Cardinall, created pope at the purfuite of the Romans, hee being abfent : That hee was a cunnige, feditious, and revengefull man, not seeking the peace of Chriftendome, as his duty required, but ftriving to revenge the injuries which his Cardinalls and Jone Queen of Cicely had done unto him ; which was the caufe of the 26th fchifme : And haveing caufed five Cardinalls to bee drowned hee dyed, having held his See eleaven years fix months and five days, And that hee celebrated the third Jubile.

It feems this lord Thomas relyed much on this grace from pope Vrban, for I find not any one act of devotion which hee performed to any monastery Chantry or order of religion, nor ought elfe which was done for his wives foule after her death, As by all their Ancestors had been accustomed for their predeceffors, untill I come to this lords will made the fecond of ffebruary in the year . 1415 . in the third year of Henry the 5th which was one year fower months and eleaven days before hee dyed. And thereby hee gave to the mother church of Worcefter fourty fhillings, To the church of Berkeley fourty fhillings and one greene pair of veftments with all their furniture ; And to the Church of Wotton five pound, And to the Church of Slimbridge fourty fhillings, And to the Church of Cowley fourty fhillings, And to the Church where his body fhould bee buried his beft pair of veftments with all their furniture, and twenty pound in money, and one gilt croffe with all the relikes inclofed in the fame, with all his beft gilt cruetts, And alfo one white paire of veftments with all their furniture, And alfo the beft pair of his black Veftments, and his beft miffale with a good Chalice ; And to the Chapple within Berkeley Caftle one pair of fatten veftments, one miffale, two Chalices and one pair of cruetts ; And to the fifters of Mary Magdalens hospitall by Bristoll, one pfalter with a gloffe, and the legends of Saints in Englifh, one paire of veftments one Chalice and five pound in money. And to the Church of Kingfwood his beft collar of the kings livery, his paire of gilt veftments wrought with white Angells ; And to the Church of Portbury one pair of veftm^{ts}, | one pfalter, one porter, and fourty fhillings. And to every of his houfhould chaplens ten markes to pray for his foule one year after his death ; And all his goods whatfoever not by his will difpofed hee appointed fhould by his Executors bee diftributed for the health of his foule and of the foule of the lady Margaret his wife ; And to a knight to goe to the holy land when any goinge fhould bee, one hundred pound, which fum was heretofore devised by his Ancestors, faith the will.

vlt. voluntas in
cur. prerogat.
Cantuar.

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His rewards to servants.

- magn: chart.
fo. 217. in castro
de Berkel: **This** lord Thomas in the 7th of king Richard the second gave to Walter Dyar for his life, an Anuity of fourty shillings by the year out of Chareltan in Wiltshire in recompence of his service.
- carta in castro de
Berkeley. **In** the 13th of the said [King] hee gave to Thomas Rig, all his lands and Tenements in Chicklade for his life, in recompence of his service.
- carta in castro
p^rdict. **In** the twentieth of the said king hee granted to Wilm Cauleigh one of his Esquires, for his life, in recompence for his service, a messuage mill and lands in Woodford, and a messuage in Church lane in Berkeley.
- carta in castro de
Berkeley: **In** the 21th of the said kinge hee gave to John Banbury his manor of Upton St Leonards by Glouc: for his life, in recompence of his service, whereof the old rent then was ten markes.
- carta in castro
p^rdict. **The** fame year hee gave to John Harsfeild a messuage and divers lands and Tenements in Bradley and Wike Dangerfeild for his life in recompence of his service.
- 469
carta in castro:
p^rdict. **In** the 22th of the said king, hee gave to John Dyar for his own life| and of his wife and daughter, a messuage in Berkeley and divers lands in Hame and Alkington.
- carta in castro de
Berkeley. **The** fame year hee gave to John Copiner for his life in recompence of his service, divers lands and Tenements in Dursley.
- carta in castro de
Berkeley. **In** the first year of king Henry the fourth, this lord gave to John Winter and to Elizabeth his wife in recompence of his service, divers houses in Berkeley, and divers lands in Hame and in Came, And in the tenth of the said king did the like for Alice his second wife.
- carta in castro de
Berkeley. **The** fame first year of Henry the fourth hee gave to Thomas Browne and Ifable his wife, a messuage and yard land in Clapton in Hame for their lives in recompence of his service: And in the tenth of the said king did the like for Mawd his second wife. And the 13th yeare rewarded him as bountifully and made him keeper of Whitcliffe park.
- carta in castro de
Berkeley. **The** fame first year of Henry the fourth, hee gave to Phillip Waterton and Cicely his wife for their lives in recompence of their services, all the lands and tene-
ments

ments within the lordship of Berkeley which late were of Robert Poyntz. And in the first year of king Henry the fifth, gave to them and the heirs which hee should beget on her body, eight severall Tenements and divers lands in Berkeley, Hame, Hinton and Alkington, Rendringe unto him and his heires the rents and services of old due and accustomed; which entayle yet continueth, And whereof I shall speak after in the issue of Thomas Berkeley son of the said James the first of that name.

In the same first of Henry the fourth, this lord gave to Robert Herblinge and Alice his wife for their lives in recompence of his service, five houses in Wotton, and divers lands in his manor of Wotton Forren. carta in castro de Berkeley.

In the third of the same king hee gave to John Chinham for his life and Jone his wife, in recompence of his service, a messuage and divers lands, in Chepinge lane in Wotton. carta in castro de Berkeley.

In the 11th of Henry the fourth hee gave to Wilm More and Edith his wife, in recompence of his service, two houses and six shops in Glouc: for their lives. carta in castr. p^rdict 470

About the same time hee gave his litle manor of Wike neere Rodlyes weare by Arlingham, to Richard Ecton and Alice his wife for their lives without rent, who longe enjoyed the same. Comp: ballivi de Wotton libtat. 12. et. 14. H. 6.

And about the same time hee gave Bayes place in Horwood to Nicholas Alderly for his life. comp. p^rdict.

In the first year of Henry the fifth, this lord gave to Robert Shottesbroke one of his Esquires in recompence of his service, for his life fourteen pounds by the year out of his manor of Ordeston in Barkshire. magn: charta. fo: 279.

In the second year of the same kinge, hee gave to Nicholas Alderly for his life in recompence of his service, all his lands in Horton & Yate called Bayes. carta in castro de Berkeley.

In the same year hee gave to Phillip Chamberlen for his life in recompence of his service, a messuage in Wotton, and divers lands in Wotton fforren. carta in castro de Berkeley.

In the 5th year of the said king (three months before his death) hee gave to John Plomer and Jone his wife for their lives in recompence of her service, a house in Wotton, with liberty to buy and sell tollfree within the said Burrow. carta in castro de Berkeley.

In cur : prerogat.
Calit.

By his will hee gave to Robert Knollis Citizen of London, his Inne called Berkeleys Inne at Baynards Castle in London.

To every gentleman in his house by his said will hee gave—100^s.

To every yeoman and groome, (valettus et garcio) in his house by his said will, hee gave forty shillings.

To every of his fower Executors (being fower of his servants) hee gave twenty pounds.

What more I have not observed. |

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His miscellaines or various passages not aptly to bee reduced under the former titles.

fo : [401]
Bale in cent. 7.
n^o 18.
Hollingshed

Trevifa. mañ
cm. Geor. dno
Berk :

Of the learned labours of John Trevifa vicar of Berkeley Chaplen to this lord, as also to his father and grandfather, I have formerly written ; who concluding one other of his translations of Bartholomeus de proprietatibus rerum, which hee dedicated to this lord Thomas, in the end thereof hath thus : Endles grace, blisse and thankinge to our lord God alweldinge, these translations ended at Berkeley the sixth day of February the year of our lord 1398 . the year of king Richard the second after the conquest of England the 22th The year of my lords age S^r Thomas lord of Berkeley that made mee to make this translation, the 47th

Reg : Wigorn.

This Trevifa dyed the 13th year of king Henry the fourth, whom John Bone-John succeeded in that vicarage, whom this lord made one of his Executors ; And proved a false preist to the heir male of his said lord as after I shall touch.

pat. 11: R. 2.
ps. 1. m : 16.

In the 11th of Richard the second, this lord and his cozen S^r John Berkeley of Beverston with others, were indited before the Justices of the Forrest of Dean, for unlawfull killing of some of the kings deere there, for which they now obtained their pardons.

Amongst the wills of the dead, I find that in the 8th year of king Richard the second, one Margery Legat of Wotton widowe gave to this lord for a legacy, a brasse mortar and an Iron pestle ; And to the lady Margaret his wife a ringe of fine gold, And to Elizabeth their daughter an other gold ringe, And to the lady Katharine de Berkeley an other gold ringe, making this lord Supervisor of her said will.

When

When in the tenth of Richard the second, the kings purveyor came to purvey in the manor of Wotton, hee gave him secretly—3^s 4^d and his man . 4^d to speak a good word to his master, (faith the Accompt,) And for their freindship bestowed more on them in wine—12^d |

comp. de Wotton
10. R. 2. in cast^r
de Berkeley.

In the Twentieth of Richard the second, Ivo fitz Waryn knight made this lord his Attorney to govern for him his manor of fframpton upon Seaverne.

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carta in castro de
Berkeley.

In the third of Henry the fourth the king awarded his spetiall Comission to this lord Thomas to punish divers mallefactors in the County of Glouc.

pat. 3 : H. 4. pars.
2. dorfo :

In the fourth of that king this lord bought of Henry Talbot 24 Scottissh prifoners, taken by him upon the land by the seafide, in way of warre, as the kings enemies.

comp. recept. in
castro de Berkeley.

In the fixth of Henry the fourth this lord obtained of the kinge to have a market each Wednesfday and three fairs each year in his wives manor of Penfans in Cornwall.

cart : 6. et. 7. H. 4.
m. 1.

In the eleaventh of Henry the fourth the king writes to this lord Thomas, That whereas hee had by his tres patents in the 8th of his raign granted for ten years, liberty to the Marchants of Jenoa with their carracks to bring into England any their wares and there to sell them, And to carry out into fflanders and other parts cloth and wooll from England paying the customs due and doinge noe damage; That hee is given to understand That divers of this lords men and servants in a shipp of his failing towards Burdeaux, have violently fet upon one of the carraks called the S^t Mary and S^t Bridget loaden with wines and other marchandize to the valewe of Ten thousand pounds, as shhee was failing towards London. And have carryed that shipp to Millford haven, and taken away their wines and other marchandize, And therefore requires this lord either presently to cause restitution to bee made, or himself to come and answer the same before his privy Counsell forthwith. **The** sequell whereof was, That the servants of this lord, S^t John Greyndore and others of Bristoll did the wronge, who made restitution for part, but went away with a great part of the rest of the Jenoa goods.

claus : 11. H. 4.
m. 34. et in dorfo.
m : 21.

In the 8th of Henry the fourth, this lord was one of those lords, who by his seal of Armes in parliament that year confirmed the Crown to | that king and entayled the fuccession upon his issue, to the utter abolition of the house of Yorke.

Rot. parliam. 8.
H. 4. pat : 8. H. 4.
p^s. 1. m. 4.

473

When

When for the good service of the husband this lord rewarded both husband and wife with an estate for their lives in such lands as hee bestowed upon them, as almost still hee did; hee ever restrained by a provisoe in his deed, the second marriage of the wife, without his consent, if shee survived her husband; which out of a double respect was a prudent course in him.

Pat : 49. E. 3. p^a.
1. in dorso.

The tenth of October in the 49th of Edward the third, a Comission was awarded to this lord to enquire of divers conventicles in the County of Glouc : tending to the disturbance of the government and peace of the Realme, requiring him as hee loved the king and his hon^r and would avoid his greivous indignation, that hee would carefully looke into and punish the same.

Pat. 51. E. 3.
dorso.

And in the one and fiftieth of that king was a comission awarded to this lord and others to muster and Arme all able men in the said County to withstand the intended invasion of the ffrench.

Pat : 5. R. 2.
pars. 1. in dorso.
Pat : 6. R. 2 :
pars. 2. m : 13.

In the fifth of Richard the second were three severall Comissions directed to this lord and others to repressse those mischeevous persons, who in hostile manner had taken and put to death the Arch-bishop of Canterbury, lord Chancellor, and others, without any fault by them committed; In which service this lord was imployed into divers other Countyes.

Rot. fin : 6. R. 2.
m : 15.

In the sixth year of the said king, hee granted to this lord Thomas the custody of the manor of Lye neer Deerhurst which was the land of John son of Wilm de Rodborowe and then in the kings hands.

fin : 8. R. 2. m. 16.

The 16th of December and 19th of January in the 8th of Richard the second, the king comitted to this lord the government of the wholl County of Glouc. in a more ample and different manner then I have elsewhere observed : **At** this time the wholl kingdome seemes in Armes to withstand the French and Scotts.

claus : 12. R. 2.
m : 16.

474

The 13th of ffebruary in the 12th of Richard the second, this lord was commanded to proclaime the keeping of the kings peace at Wittenden and other places adjoyn-
ing according to the Statute of Northton, for | not doing whereof, proces went out
against him for that omission and contempt : But upon his oath taken in Chancery
That hee received not the Comission nor heard thereof, the proces by the kings
command doth cease : Howbeit this foe awaked him That within one month after
hee

hee sent divers both preists and laymen to the comon Goale of Gloucester; As their supplicavits for their bayles, body for body, do declare.

In the 16th of Richard the second, one Ruyale and Otho late Clark of the peace certified fallly into the Chancery a record concerning this lord Thomas and the king, supposd to bee before Judge Caffey and his fellow Justices of the peace; for which unjust fact, (in times so dangerous,) this lord complaines; And upon hearing thereof Ruyale is fined one hundred markes, and Otho five markes, which either of them doe pay; And foe obtaine their pardons, the one this year the other in the eighteenth.

fin. 16. R. 2. m. 3.
pat : 18. R. 2.
pars. 1. m : 26.

This lord Thomas was one of those that were on Michaelmas day sent to Richard the second then in the Tower of London from the parliament then in being to mind him of his promise made to the Arch-bishop of Canterbury and the Earl of Northumberland for renouncing the Crowne, which hee now did, and subscribed it, and gave therein his oath also.

Rot. parliament.
1. H. 4. n^o 10.

And after at the fame parliament, this lord was the only procurator for the Barons to declare to king Richard his deprivation by parliament; And how none of the great estates of the Realme nor Comons would for time forwards beare him faith, or doe to him obeifance as to their kinge.

Rot. predict.
n^o 59.

And in the name of Richard the second, did renounce from him his kingdome to that parliament; whereupon king Henry the fourth did claime it by title from king Henry the third, And foe by that parliament was chosen kinge.

Rot. predict.
n^o 74.

And was one of those spetiall lords in that parliament who gave advice and consent That Richard the king should bee safely kept, and in secrete place where noe concourse should bee to him, nor any of his frends or acquaintance admitted to him, And to bee continually guarded by sure and sufficient persons.

Rot. prædict.
n^o 74.

And in the first of Henry the fourth the king directed his Comission | to this lord to muster Arme and trayne all able men within the County of Glouc : The like the king did in the fourth year of his raigne.

Pat. 1. H. 4. pars.
5. dorfo.
475
Pat. 4. H. 4. ps. 2.
dorfo.

And in the third of that kings raigne this lord was one of those eleaven lords chosen out of the wholl state to secure the payment of forty thousand nobles, being the

franc: 3. H. 4.
m : 7.

the mariage portion of Blanch the kings daughter, maryed to Lewis Earle palatine and of the Rene, and Duke of Bavaria, son of Rupert king of the Romaines, allways Augustus.

Rot. parl: 5. H. 4.
m: 12.

At the parliament holden the fifth of Henry the fourth, It is recited That for the good government of the Realme and remedy of many complaints, greevances and mischeifes, shewed to the king in that parliament, The king at the reverence of God, and at the great instance and spetiall request to him oftentimes made in this parliament by the Comons of his Realme, Hath for the ease and comfort of all his Realme ordained six Bishops, one Duke, two Earles, fower Barons, and eight others to bee of his grand and continuall Counsell: The first of all the fower Barons is this lord: which being concluded upon in parliament by both houses, was to him a singular honor, and an assured testimony to his posterity, That this their Ancestor was an able and wise man, being at this time about the age of fifty yeares. **A**nd now also was this lord chosen Admirall by this parliament as before is written.

claus: 5. H. 4.
pars. 1. m: 2.

pat. 5. H. 4: pars.
1. m: 18.

pat: 7. H. 4. pars.
1. m: 1.

pat. 11. H. 4. pars.
2. m: 13.

And in the 7th of Henry the fourth was this lord spetially employed in the Counties of Glouc and Hereford to borrowe moneys for the king and to give securities for repayment; **A**nd in the 11th of Henry the 4th was employed in the like borrowinge of money in the Counties of Warrwicke, Worcester, Gloucester, and Bristoll, to bee repaid out of y^e fifteenth granted unto the kinge at the last parliament then before.

Rot. parliament.
in eisdem annis.

I find this lord present in person at most parliaments holden between his full age and death: And at the parliaments holden in the first, fourth, sixth, seaventh, ninth, eleaventh, and thirteenth of Henry the fourth, was a tryer of the petitions; **A**nd soe in the first, second, third and fourth of Henry the fifth.

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Manifold others were the employments of this lord Thomas Aswell in Comissions of severall natures, as in the extraordinary affaires of State, Church and Comon wealth, besides his constant travell in the ordinary Comissions of the peace, from full age till death; some of | which extraordinaries in divers Counties and corporate Cities the records hereunder vouched will guide such of his posterity unto as desire to bee satisfied in the particularities of that kind, none of which are formerly mentioned. viz: Rot parliament. 5. E. 3. / 2. R. 2. pars. 1. in dorso / 3. R. 2. pars. 2. in dorso. / claus: 8. R. 2. m. 14. / pat: 8. R. 2. pars. 2. in dorso: et eodē bis dorso. / pat. 9. R. 2. pars. 1. in dorso ter. / et eodē postea. / pat. 21. R. 2. pars. 3. m. 23.

m. 23. dorfo. / pat. 22. R. 2. pars. 3. m. 9. in dorfo / pat. 1. H. 4. pars. 7. dors / Rot. parliament. 2. H. 4. / pat. 2. H. 4. pars 3. m. 7. dorfo / pat. 3. H. 4. pars. 2. in dorfo ter : / claus. 5. H. 4. pars. 1. m. 4. dorfo : / Rot. parliament. 7. H. 4. pars. 2 : m : 15. et at / pat. 7. H. 4. pars. 2. m. 33. / pat. 8. H. 4. pars. 1. dorfo / pat. 13. H. 4. pars. 2. in dorfo : / pat. 1. H. 5. pars 1. dorfo. / pat. 22. R. 2. pars. 3. m : 9. dorfo. Besides divers others which with a dry foot I passed by.

His wife.

Whose daughter the lady Margaret wife to this lord was, And when, where fol : [448, 451] and at what age maryed, what portion in money & land shee brought to her husband, when first shee came to Berkeley with other circumstances, is before in the first title of this lords life declared.

The course of her life went with her husbands in often removes from one of their houses to another, which then, (contrary to the proverbe that the rolling stone gathers noe mosse,) was held the greater honor. **As** at Berkeley, Wotton, Portbury, London, Syde and at ffulham, and some other houses of her inheritance. **It** seemes shee was a very mild and devout lady but nothing active in her family.

In the prime of her age shee brought her husband a daughter called Elizabeth of whom much hereafter is to bee spoken ; And for any thinge I have observed, never conceived more, before or after, yet lived shee and her husband in a most sweet and contented society ; | **Herein** much refe[m]blinge the lady Elizabeth Spenser, 477 maryed to Geo : lord Hunsdon, (of whom after,) who having brought her husband not longe after mariage, Elizabeth, (mother of the now lord George Berkeley,) held it sufficient honor and frutefullnes to have been the mother of a child soe peerlesse.

This lady Margaret died at Wotton under edge, the twentieth of March about the fifteenth year of Richard the second, then about thirty years of age ; having been maryed at feaven ; And lyeth buried in the parish Church of Wotton under a faire Tombe by the side of her husband, whither her bones were translated as after followeth : The greefe of whose death soe fastened upon the affections of her lord and husband, That hee never after affected mariage, although hee was at her death but thirty eight years of age, and of an able constitution, and then without issue male to uphold his name and barony : whereat I have not only mused, but at the cause why, in fewe monthes after her death, hee betooke himselfe to a forraigne pilgrimage As in the title of his forraigne employments is already written.

Newl: ped. in cast: de Berkeley.

Escaet. post mort. Gerard Warren dñi Lisle. 6. R. 2.

Rot. franc: 16. R. 2. m : 10. bis.

His

His issue.

Escaet. 5. H. 5.
post mort. Tho :
dni Berkel :

Magn : chart. fol :
240. in castro de
Berkeley.

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Elizabeth was this lords onely daughter and heir of the age of twenty six and upwards, at the time of his' death. In September in the 16th of Richard the second this lord entred into covenants wth Thomas Beauchamp Earle of Warrwike concerning a mariage to bee had between Richard his son and heir, and his said daughter shee then under the age of seaven yeares, That their mariage should bee assoone as conveniently it may ; That her Joynture should bee three hundred markes by the year, after the death of the said Earle and of Margaret his wife ; That hee the said lord Berkeley would grant the manors of Kislingbury Draycote and certaine others to the said Richard and Elizabeth for their lives, and fower | hundred markes more to them by the yeare of those lands which were the inheritance of Margaret late wife of him the said lord Thomas ; To hold to them after his death ; And that hee would pay fower hundred pound in money for the mariage portion of his said daughter ; for performance of which agreements, either of them became bound to other in two thousand pounds.

Escaet. 17. H. 6.
post mort. Riçi
Beauchamp.
vlt. voluntas Riçi
Beauchamp. 18. H.
6. in prerog : Cant :

liber Gloveri als
Somerfet Herald.
vetus manuscript.
et divers : añ.

The said Elizabeth by her husband, (who after his fathers death was Earle of Warwike, and Regent of France,) had issue onely three daughters, Margaret, Ellenor, and Elizabeth ; And dyed the 28th day of December in the first of Henry the sixth, then about the age of one and thirty years, and lyeth buried at the said monastery of Kingswood, whereof shee was hereditary foundres, by her fathers purchase of the patronage as afore is mentioned, with this Epitaph upon a goodly Tombe of marble nowe demolished set up by her husbands Executors according to the direction of his will. Hic jacet dna Elizabetha nuper comitissa et prima vxor Riçi de bello campo nuper Comitis Warwici ac filia et hæres Thomæ nuper dni de Berkeley et de Lisle. Quod quidem dominium de Lisle idem Thomas tenet per legem Angliæ post mortem Margaretæ nuper vxoris suæ, matris predictæ Elizabethæ: qui qūdem Riçus et Elizabetha habuerunt exitum inter se Margaretam Elianoram et Elizabetham, quæ vero Elizabetha comitissa obiit vicesimo octavo die Decembris Anno domini. 1422. Cuius animæ propicietur deus Amen.

And her husband, afterwards marying, (and haveing other issue wherewith I meddle not,) dyed the last of Aprill. 1439. in the 17th of Henry the sixth ; Between whom and their said three daughters and their issues, and James the heire male of this lord Thomas were the greatest sutes in lawe and of longest continuance that were in those times or since, As after will bee declared.

The

The said Margaret was the second wife of John Talbot the first Earle of Shroefbury of that name, by whom shee had issue John Talbot created viscount Lisle, And dyed the 14th of June in the 7th of Edward the fourth, And lyeth buried in Jhesus Chapple | in S^t Pauls Church in London, with this Epitaph; Here before the image of Jhesu lyeth the wor^d and right noble lady Margaret Countes of Shrewsbury, late wife of the true and victorious knight and redoubtable warriour John Talbot Earle of Shrewesbury, which worshipfull man dyed in Gwyen for the right of this land: Shee was the first daughter and one of the heires of the right famous renowned knight Richard Beauchamp late Earle of Warwike, (which dyed in Roan,) and of dame Elizabeth his wife, the which Elizabeth was daughter and heire to Thomas late lord Berkeley on his side, and on her mothers side lady Lisle and Tyes, which Countes passed from this world the 14th of June. 1468. on whose soule Jhesu have mercy, Amen.

Survey of London
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Escaet. 21. H. 6.
post mort: Tho:
Chedder.

The said John Talbot viscount Lisle by Jone his wife, one of the two daughters and coheires of S^t Thomas Chedder, had issue Thomas Talbot viscount Lisle, who maryed Margaret daughter of Willelm Harbert Earle of Penbroke, and was slayne by Willelm lord Berkeley the 20th of March in the Tenth year of Edward the fourth, without issue; Elizabeth, and Margaret; which Margaret was maryed to S^t George Veer knight and dyed without issue in the 14th of Edward y^e fourth.

Escaet: 7. E. 4.
post mort. Joh^{is}
v^oxoris Joh^{is}
Talbot.

pat. roll: 15. E. 4.
pars. 1. m. 5.

The said Elizabeth sister and heire of Thomas Talbot viscount Lisle, was maryed to S^t Edward Gray, who in the fifteenth of Edward the fourth was created lord Lisle, in right of his wife; shee dyed in the third of Henry the seaventh, And hee fower years after, leaving issue by her John, Margaret, Anne, and Elizabeth.

Rot. cart. 15. E. 4.
in vlt. dat. 14.
marcij.
Inq. sub sigillo
in Castro de
Berkeley.

The said S^t John Gray son of S^t Edward was viscount Lisle; And by Myriell his wife daughter of Thomas Howard Earle of Surrey, lord Treasurer of England, had issue Elizabeth onely, born after his death the twentieth of March in the twentieth of Henry the seaventh; And after being very younge was maryed to Henry Courtney Earle of Devon, And dyed without issue about the ninth of Henry the 8th And the said Myriell was after marryed to S^t Thomas Knevet.

Escaet. 20. 21.
H. 7. post mort.
Joh^{is} Gray vic:
lisle in div's Com:
pat: 18. H. 7.
pars. 2.

Carta in castro
de Berkeley.

Margaret the eldest sister was maryed to Edward Stafford Earle of Wiltshire, And dyed without issue. **Anne** the second sister was maryed to John Willoughby of Wollaton, And dyed without issue; | **Elizabeth** the third and youngest sister of John Gray viscount Lisle, was first married to Edmond Dudley, who was beheaded

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in

in the first of Henry the eighth, And after to Arthur Plantagenet base son to Edward the fourth ; shee dyed the 33th of Henry the 8th leaving issue John Dudley, who by severall patents was created viscount Lisle Earle of Warwike, and Duke of Northumberland.

The said John Dudley, son of the said Elizabeth and Edmond, was duke of Northumberland ; And by Anne his wife daughter of S^r Edward Guilford left issue, (of whom only I need to write,) Ambrose, Robert, Katharine and Mary ; And was beheaded in Anno . 1553 . in the first year of Queen Mary for treason : Of whom see more in the life of Henry lord Berkeley the first of that name.

Ambrose Dudley was in the 4th year of the raigne of Queene Elizabeth created Earle of Warwike, and maryed for his third wife Anne daughter of Francis Russell Earle of Bedford, (of whom I need to write onely,) And dyed in the 32th of Elizabeth without issue by any wife ; As also did the said Anne in the first of king James.

Robert Dudley was created Earle of Leicester in the 6th of Elizabeth, and married Lettice daughter of S^r Francis Knolles, And dyed in the thirtieth of Elizabeth without lawfull issue ; And Lettice is yet livinge . 1628. The Tombe of whose only son, interred at Warwicke, hath thus ; **Here** resteth the body of the noble Impe Robert of Dudley, Baron of Denbigh, son of Robert Earle of Leicester, nephewe and heire unto Ambrose Earle of Warwicke, brethren, both sons of the mighty prince John late Duke of Northumberland, that was Cozen and heire to S^r John Gray viscount Lisle, cozen and heire to S^r Thomas Talbot viscount Lisle, nephewe and heire to the lady Margaret Countess of Shrewsbury eldest daughter and co-heire of the noble Earle of Warwicke S^r Richard Beauchamp, here interred, a child of great parentage, but of greater hope and towardlines, taken from this transitory unto everlasting life in his tender age, at Wansted in Effex on funday the 19th of July . 1584 . the 26th year of the happy raigne of the most vertuous and godly princeffe Elizabeth And in this place layd up amongst his noble Ancestors. |

481 **And** about the tombe of Ambrose Earle of Warwicke, elder brother of the said Robert Earle of Leicester, is thus. **Edmond** Dudley Esq^r, one of the privy counsell to king Henry the seaventh, maryed Elizabeth sister and sole heire of John Gray viscount Lisle, discended as heir of the eldest daughter and co-heire of Richard Beauchamp Earle of Warwike, and Elizabeth his wife, daughter and heir of the lord

lord Berkeley and heir of the said lord Lisle and Tyes, And had John Duke of Northumberland &c.

Katharine was married to Henry Hastings Earle of Huntington by whom shee had no issue.

Mary was married to S^r Henry Sidney president of Wales, And had S^r Phillip Sidney knight, and S^r Robert and others.

Sir Phillip Sidney had issue Elizabeth, and dyed in the 28th yeare of Queene Elizabeth in the low Country warrs ; And the said Elizabeth his daughter and heir was married to Roger Manors Earle of Rutland and dyed without issue.

Sir Robert Sidney, brother of S^r Phillip, was created lord Sidney, viscount Lisle, and Earle of Leicestershire ; And by Barbara his wife daughter and heire of John Gamage Esq^r had Willm Sidney knight, who dyed unmarried in . Anno . 1612 . in the tenth of king James : Robert Sidney after his father Earle of Leicestershire, and others, Anno . 1627 . of whom much is to bee written in the life of Henry lord Berkeley the first of that name. See fol : [775]

2. **Ellenor** the second daughter of Elizabeth Countesse of Warrwike sole daughter of this lord Thomas, was first married to Thomas lord Roos of Hamelake, And after to Edmond Beaufort Duke of Somersets, by both whom shee had issue ; And dyed alsoe in the 7th of Edward the fourth. By her first husband she had issue Thomas lord Roos, and Margaret married to Thomas A-Burrough of whom is issue ; The said Thomas lord Roos dyed in the life of his mother, leaving issue Edmond and Ellenor ; Edmond was an Ideot, and dyed without issue ; And Ellenor his sister & heir was married to S^r Robert Manors, who had issue between them Geo : Manors lord Roos, who had issue Thomas Manors created Earle of Rutland in the 17th of Henry the 8th to him and the heires males of his body, And dyed in the 35th of Henry the eighth, leaving issue Henry Manors lord Roos Earle of Rutland, who dyed in the fifth of Elizabeth, leaving issue Edw^d | lord Roos and Earle of Rutland, and John Manors : Edward dyed in the 29th of Elizabeth, having issue onely Elizabeth married to Willm Cicell nowe Earle of Exeter, son of Thomas late Earle of Exeter : which Willm and Elizabeth had issue Willm lord Roos who deceased in Anno . 1618 . without issue, who married the daughter of S^r Thomas Lake, whereon arose that famous Starchamber sute, heard by king James then sitting in Court. 482
John

John Manors, brother and heire male of the faid Edward, was after his death Earle of Rutland, And by Elizabeth his wife daughter of ffrancis Charelton had issue Roger Manors Earle of Rutland, who maryed Elizabeth daughter of S^r Phillip Sidney aforefaid ; And John dyed in . Anno . 1587. But of the faid Roger Manors Earle of Rutland and of the faid Elizabeth his wife is noe issue, as aforefaid.

Inquis. in Canc.
21 H. 8. in Com.
Oxon.

The forefaid Ellenor by Edmond Beaufort Duke of Somersset her second husband, (slaine at S^t Albans . 1455,) had issue Henry Beaufort Duke of Somersset eldest son ; beheaded in Anno . 1463. father to Charles lord Harbert, of whom are the Earles of Worcester : And Edmond duke of Som^{set}, second son, who dyed without issue ; Ellenor whose second husband was S^r Robert Spenfer knight, (of whose issue in this place I will only write,) and fower other daughters, called Margaret, Elizabeth, Jone, and Anne, of whom is much honourable issue.

The faid Ellenor and S^r Robert Spenser had issue, Margaret maryed to Thomas Carey Esq^r, And Katharine maryed to Henry the fifth Earle of Northumberland, of whom is discended the Earle that now is . 1624.

The faid Thomas Carey and Margaret had issue John Carey and Wittm ; which Wittm maryed Mary second daughter and co-heire of Thomas Bullein Earle of Wiltshire and Ormond, and of Elizabeth his wife daughter of Thomas Howard Duke of Norfolk ; and had issue Henry Carey and Katharine maryed to S^r Francis Knolles, of whom is issue.

The faid Henry Carey, (created lord Hunsdon,) by Anne his wife daughter of S^r Thomas Morgan knight, had issue George Carey lord Hunsdon, Henry Carey, John, William, Edmond, Robert, Katharine marryed to Charles lord Howard, Earle of Nottingham and Admirall, Philadelph. and Margaret.

483 The faid George Carey lord Hunsdon by Elizabeth his wife second | daughter of S^r John Spenfer knight, had issue Elizabeth married to S^r Thomas Berkeley knight, father of George now lord Berkeley, and of Theophila wife of S^r Robert Coke knight Anno . 1624. the noble dedicatees of these collections ; of whom more is hereafter written in the life of Henry lord Berkeley the first of that name.

3. The forefaid Elizabeth third daughter of Elizabeth Countesse of Warwicke, sole daughter of this Thomas lord Berkeley, was maryed to George Nevill lord Latimer,

Latimer, a younger son of Ralph Nevill Earle of Westmorland by his second wife ; which George dyed in the ninth of Edward the fourth ; And the said Elizabeth his wife the Twentieth of Edward the fourth ; And had issue Henry Nevill lord Latimer, who dyed also in the ninth of Edward the fourth. And was father of Richard Nevill lord Latimer who dyed in the twentieth of Henry the 7th And was father of John Nevill lord Latimer, and Wittm, (from which Wittm is issue male at this day ;) The said John Nevill lord Latimer dyed in the 34th of Henry the 8th leaving issue John Nevill lord Latimer, who dyed in the 19th of Elizabeth, leaving issue fower daughters and co-heires. viz: Katharine maryed to Henry Earle of Northumberland, Dorothy maryed to S^r Thomas Cicell late Earle of Exeter, Lucy maryed to S^r William Cornwallis, And Elizabeth maryed to S^r John Danvers knight, And after to S^r Edmond Carey aforesaid. Of whose multiplyed posterityes flourishing at this day, to write in particular would enoble some pages in this place ; which I here omit, As onely pointing at the honorable posterity of this lord Thomas, now livinge Anno . 1628 . which the labours of most heralds do performe.

Latimer. id est
Interpreter.

His Seales of Armes.

1. The Seales of Armes which this lord used were different : At first when hee attained full age, hee sealed with the Cheveron and ten croffes, about two Inches diameter, without supporters or crest, circumscribed sigillum Thomæ de Berkelee. |

2. In the middle part of his life, hee sealed with the Cheveron and ten croffes supported by two mairmaides without crest, circumscribed sigillum Thomæ dñi de Berkeley, in bredth as aforesaid. 484

3. In the later part of his life hee sealed with the Cheveron and ten croffes cornerwise, with the mairmaides for supporters, and the helmet for crest, The circumscription and bredth as last aforesaid. See the representations.



His

His death and place of buriall.

Newl : ped. in
castro de Berkeley.
Escaet. post mort.
Tho: dñi Berkeley
5. H. 5.
et bis sub magno
figillo in castro de
Berkeley

Upon the 13th of July in the fifth year of that victorious king Henry the fifth Anno. 1417. the glasse of this lord Thomas runneth out, at Wotton Vnder edge, hee then of the age of 64. yeares six monthes and eight days, whereof hee had fate lord. 49. yeares one month and . 5. dayes ; And lived a widdower the last twenty six years thereof or neer thereabouts ; And lyeth buryed in the parish Church of Wotton vnder edge with the translated bones of the lady Margaret his wife resting by him, under a faire Tombe there.

Nos quos certus amor primis conjunxit ab annis

Iunxit idem tumulus, junxit idemque polus.

In youth our parents joyn'd our hands, our selves our harts,

This Tombe our bodyes hath, th'heavens our better parts.

Vlt. volunt. in
Cur. prerog: Cant.
anno 5. H. 5.

To his onely daughter the Countes of Warwicke by his will, this lord gave his best pair of morninge mattens, and one boll and twenty pound in it. **And** to his nephewe and heire male James Berkeley hee gave his best bed, and his great boll of Jett, And twenty compleat Armors and twenty lances, which will was proved the tenth day after his death. |

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His lands whereof hee dyed seized.

Escaet : 5. H. 5.
post mort. Thomæ
dñi : Berkeley.

Inquis: sub magno
figillo in castro de
Berkeley :

Betweene the said Elizabeth this lords onely child, and James Berkeley his brothers son, were all this lords lands divided ; **To** Elizabeth discended all the mannors and lands which came by the lady Margaret her mother, before mentioned in the life of this lord ; And also all the manors and lands whereof this lord her father died seized in ffee simple or in ffee tayle generall, whether of his own purchase, or which came to him by discent, in the Countyes of Gloucester, Somersset, Buckingham, Wilts, Northton, Devon, Cornwall, Oxon, and Berks ; and in the Cities of London and Bristoll, and some other places, which were about thirty manors, besides Advowfons of Churches, Abbathies, Chantries, hundreds, knights fees, and many lands, tenements, fishings, and liberties, not being parcell of any manors ; As by divers Inquisitions found after his death in most of the said Counties appeareth ; shue then of the age of twenty six yeares and upwards.

Escaet : 5. H. 5.
post mort. Tho :
dñi Berkeley :

And to the said James, (then of the age of twenty three years and upwards,) discended the Castle and Barony of Berkeley ; And the manors of Berkeley, Hame, Appleridge, Alkington, Hinton, Slimbridge, Came, Cowley, Wotton-Burrow, Wotton fforren,

fforren, Simondfall, and Vpton S^t Leonards, and the hundred of Berkeley in the county of Glouc : by force of the fine leavyed in the said 23th of Edward the third, to the heires males, and by the assurances as is before declared ; And the manor of Portbury and Porteshned, and the hundred of Portbury in the County of Somersfet, by force of the like fine leavyed to the heires males, by the said lord Thomas in the 26th of the same kinge : And also the manor of Hurst and two and twenty markes rent in fframpton upon Seaverne, by force of a conveyance thereof made in the sixteenth of Edward the third, As formerly in his life and of Maurice his son is declared.

dated 26. Septem^r
apud Beverston.

The same James had alsoe at this time of his unckles death, or shortly there-upon, from his own father and mother and younger brother, the manors of Ragelon, Talgarth, Tore, Edifhall, Straddewy, and divers others in Wales, Daglingworth in the County of Gloucester, And also by other mixt means | the manors of Sages, 486
litle Marshfeild, and Arlingham, in the said County of Gloucester, as after followeth in his life.

Soe that an honorable and opulent revenue still remained to the male line for suppart of the honor thereof, notwithstanding the great and rich possessions caryed from it by the said Elizabeth cozen germane of the said James.

The application and use of his life.

1. This lord Thomas to the smart of his double posterity (nephewe and daughter, line masculine and femynine) greatly erred, either by too longe a deliberaçõn or by an inconstancy in his resolution, as a man seeming over-combated in himself, betweene name and nature, whether to leave his barony lands and name to his heire male: his brothers son, or to the frute of his own body, his onely daughter the Countes of Warwicke, then wife to the first Earle of the land : The ill effect wherof, the lives of the two next lords at large bewailes : whereby it might have been reproached and fully said to him, as the prophet Elijah said to the children of Israell before Ahab their kinge, **Howe** longe halt ye ebetween two opinions, If the lord bee God follow him, But if Baall bee hee then followe him. The counsell of Ifaiah the prophet to king Ezekiah was good, because sent from God, put thine house in order for thou shalt dye and not live, which this lord Thomas neglecting, hee hath thereby damnified his posterity more then one hundred thousand pounds, And instead of fetlinge a perpetuity of good to his posterity, which a constant Testament would have done, By | omission thereof hee cast both his heires male and female on their knees, as the sequell alonge the lives that follow will make too manifest. 487

The use.

Rot. parliam. 23.
H. 6.

1. Kings. chap. 18.
vers : 21.

2 : Kings. ch. 20.
vers. 1.
38. Ifaiah. vers. 1.
2. 3.

2. The fairest mold that this lords posterity can cast this error in, is to say, That this their Ancestor beinge a deep wise man, (as the double uses hee made of both the opposite houses of Yorke and Lancaster in advancement of his own ends, if nothing els there were, declares,) Hee would on the one side serve himselfe with the Court favour of his son in lawe, one of the most powerfull and best favored subjects of his time, loaden with honors and offices of state, And on the other side, simul et semel, in the same seasons make harvest of the person of his said nephewe and heire male, by a double sale of his mariage, first to S^t John S^t John, and after to S^t Humphry Stafford, not sticking in those agreements to declare his said nephewe to bee heir to all his inheritance intailed. And yet turning to the other shoulder declares to others about him his purpose to bee, That his daughter should inherite the wholl lump of his lands, as in the next life is deposed: Not more certainly declareing by any overt act, who should bee his heire, or lord Berkeley after him, then Queene Elizabeth did her successor, to keep thereby all competitors and parties in hope, fear, and love, and foe make use of all: But this altum sapere with this lord almost marred all.

3. And againe, That by not declareing his heire, both parties had care, if not to serve yet not to discontent him; And againe prevented envy and practice in the one of them towards the other, and preserved his own reputation and authority with both, And kept all dependance of servants and others upon himselfe.

4. Againe let this lords posterity take into considercōn how this their Ancestor counselled and aided the fall and deposition, (I will not say death,) of king Richard the second his Sovereigne lord, for the love hee bare to Henry the fourth, and the advancement of his own ends; And how that disloyalty and doublenes seemes to bee punished by the searcher of all secrets, aswell in his bereaft of issue male of his body, As in the bloudy and irksome controversies of more then fower generations, that fell into his family through his waveringe and ill settlement of his estate, and other judgments of God. |

A short Corollary.

488 To summe up all that hitherto from Hardinge hath been said: It is to bee acknowledged that this antient family of the lords of Berkeley was in the dayes of this lord Thomas, and in him, (who in statelynes and magnificence peramounted all his Ancestors,) in the higheft exaltation that it had before reached unto, and enriched with the amplest possessions for support of the honor thereof, with a likely outwardness

outwardness foe to have continued, which also this lords opinion of himself seems to bee futable unto : who after the manner of Princes in his tres and writings would joyne the pronoun plurall to his name in the singular number, And write, nos not, ego. Thomas Berkeley dñs de Berkeley, Wee Thomas Berkeley lord of Berkeley ; And dañ. in manerio nostro de Portbury, Dated in our manor of Portbury ; And the not, meo. like, which none of his Ancestors had foe prompouly before used to doe.

And it is an eminent ensigne of the greatnes and pious merits of this family, That one no more travelled than my selfe, should have seen above one hundred churches and oratories in the Counties of Gloucester and Somerset, and in the Cities of Gloucester, Bristoll, and Bath, (besides as many more in other Counties and places, as mine acquaintances have faithfully related to mee,) having their coates of Armes and Eschucheons, yea some their pictures, set up in their windows and walls, in and before this lords dayes, and their crosses formees, in their true bearings, to bee as the fimbriæ, edges or phylacteries in the skirts and borders of many of them, not yet in these devastating times, demolished.

And my old age, (now in my great climaterique year of 63,) would think the knowledge rare for any Antiquary now living in this Kingdome, to shew mee any other race of the English Nobility foe to have continued unattainted for twenty succeffive generations in a male line, And to have foe eminently excelled in Armes and Almes, as this Berkeleyan family hitherto had done : But now cleaves this noble house in sunder, rending her possessions into fundry parts, by the | default of 489 this overwise lord Thomas, And lyes pressed under blouddy brauls and lawe futes of . 192 . years agitation, between the said heire male, and heire generall, two cozen germans and their issues, before they came to peace ; And as old S^r Thomas Harris a ferjeant at lawe in the time of king James once merrily said to a Sollicitor of the then lord Berkeleys, had with their longe walkings beaten smooth the pavements betweene Temple barre, and Westminster hall, To leave a memoriall whereof, invited my essayes to these collections.

And henceforth in the lives that follow, it is a kind of misfortune to my labors, That with the life of this lord Thomas ended all that regularity which for many ages had been observed in th'estate and household affaires of these lords, in the Accompts of their Receivors, keepers of the wardrobe, Steward of household, Clark of the kitchen, Reeves & Bayleys of manors and hundreds, and the like accomp-
tants, which were by their Auditors with singular care and exactnes, yearly cast up,
and

and preserved ingrossed in parchment, As the marginalls hitherto have witnessed, which henceforth are neglected : And, vbi nullus est ordo, ibi est confusio ; All for want of order, is found out of order, and come to waist ; And it is a true observation in all great families, That where noe government or order is observed, there consumption followes, if not of all, yet of too great a part of that great mans estate.

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The Life of James the First

491

The Life of James lord Berkeley son of James, called James the first, stiled in writings Jacobus de Berkeley chivaleir. And Jacobus de Berkeley dñs de Berkeley, **And** Jacobus Berkeley de Berkeley miles **And** Jacobus dñs de Berkeley miles. **And** Jacobus de Berkeley dñs de Berkeley miles. And Jacobus de Berkeley miles dñs de Berkeley. **And** nobilis vir dominus Jacobus Berkeley miles dominus de Berkeley.

Anno. 6. H. 6.

And was tritavus to George now lord Berkeley, the sixth lineall discendent from this lord James.

And may bee called James the Just.

Contemporarap with Henry the fifth, Henry the sixth and Edward the fourth from . 1417 . till . 1463.

Whose troubled life I present to his posterity under these thirteen titles . viz:

- 1.—**His** birth and education . fol : [492]
- 2.—**His** sutes in lawe . fol : [493, 512]
- 3.—**A** discourse of the barony of Berkeley and of the precedency thereof . fol : [502]
- 4.—**His** rewards to servants . fol : [535]
- 5.—**His** miscellaniæ or various passages . fol : [536]
- 6.—**His** wives . fol : [538]
- 7.—**His** issue . fol : [541]
- 8.—**Berkeley** of Worcestershire . fol : [546]
- 9.—**Berkeley** of Herefordshire . fol : [545]
- 10.—**His** seales of Armes . fol : [553]
- 11.—**His** death and place of buriall . fol : [554]
- 12.—**His** lands whereof hee dyed seized . fol : [555]
- 13.—**The** application and use of his life . fol : [556]

His

492

His birth and education.

This lord James son and heire of that S^r James Berkeley whom formerly I have distinguished by the name of James the welshman, was born at Ragelan in Monmouthshire, where his father then dwelt upon his wives inheritance, under whom hee was somewhat too indulgently brought up till the death of his father, when shortly after upon the remariage of his mother to W^{illm} Thomas a gentleman of that nation, his unckle the lord Thomas the fourth of that name, (whose life is last related,) then a widdower, and without issue male, and not intending, (as the sequell declared,) to marry againe, sent for this James and his younger brother Maurice, about the 8th year of king Henry the fourth; where with him at Berkeley Castle, and at Wotton and other his removeing houses, this James and his brother Maurice continued, being generally reputed as heires males and inheritable to the barony of Berkeley by virtue of their great grandfathers entaile; And the 19th of Aprill in the eleaventh yeare of the said king Henry the fourth It was by Articles mutually sealed between the said lord Thomas, and S^r John S^r John knight, agreed, That the said lords two nephews and heires male James and Maurice, (the one then sixteene years of age, and the other fourteen,) should marry the two daughters of the said S^r John S^r John, wherein they are declared to bee the heires males of their said unckle, and inheritable to all the lands intayled, if their said unckle should dye without issue male of his body; And each of them gave to the other security of . 600^{li}. penalty to performe the agreements; **Which** agreement (if it tooke effect) was foone dissolved by the death of this James's wife; for the said Thomas by like articles sower years and three monthes after, bearing date the 25th of July in the second year of king Henry the 5th agreeth with S^r Humphry Stafford knight, for a mariage to bee had between his said nephewe James, and the daughter of the said S^r Humphry; whose portion was agreed to bee six hundred markes; And herein also his said uncle declares this James to bee his heir male to the inheritance intail'd. And this mariage also tooke effect, as under the title of the wives of | this lord James more largely doth appeare: But whether the said lord Thomas really intended, as his agreements purported, that his said nephews should foe inherite him, I determine not, because prooffe by oath was made after his death to the contrary.

carta in castro de Berk:

carta in castro de Berk:

493

His

His suites in lawe.

This lord James at the decease of his said unckle the lord Thomas was neer about twenty three years old, and at the house of the said S^r Humphry Stafford in Dorsetshire, whose daughter not longe before hee had maryed according to the fore-said later articles, whose christian name, (neither of the daughter of S^r John S^r John,) I could never find in any writing or record. **The** Earle of Warwicke and the lady Elizabeth his wife were either at Wotton or at Berkeley Castle at the said lords death, whereby they had the advantage to enter upon the said manor house and Castle, and to possesse themselves of all the evidences of the said lord Thomas, whereof forthwith they caused abstracts in many longe rolls of paper of each manor to bee made of all such deeds as they tooke not away, most of which rolls at this time are in the said Castle, regained by W^{illm} lord Berkeley son of this lord James in the tenth year of king Edward the fourth; when having slaine the lord Thomas viscount Lisle great grandchild of the said Countes Elizabeth, hee forthwith enforced and plundred the said manor house of Wotton, whereof much is after written in the life of the said lord W^{illm}. **And** to the said Earle and his wife, as to the more noble and potent party, did all the Executors and greatest servants of the family of the said lord Thomas present their services and adhere.

And the provident Earle to make the possession of the said Castle and of the entayled manors, (which hee then also got,) the more legall and faire unto him, or at least soe to seeme, Hee the 21th of July, (the 8th day after the lord Thomas's death,) obtained of king Henry the fifth a grant of the custody of all the said lords lands and Castle, as longe as they should bee in the kings hands, under such a vawle as should bee mentioned in the offices to bee found, by the manucaption of Thomas Berkeley Clarke become the Earles Receivor; which rent the 12th of June in the next year was remitted to the Earle; And by force of the said grant in the same year and in the two next, the said Earle received the rents, and kept Courts in all the said manors entayled to the heires males, as the rolls thereof in the names of himself and of the lady Elizabeth his wife, without any relation to the kings grant, doe shewe: whereby it appeareth that the Earle and his wife pretended right to the Barony of Berkeley and to all the manors and lands thereto belonging; which alsoe the answer of the lady Margaret their eldest daughter and co-heire made in Chancery, (mentioned at large in the life of this lords son,) sheweth to bee true.

494
pat. 6. H. 5. m. 29.

Court rolls. 5. 6. 7:
H. 5. in castr. de
Berk:

Respon: in Canc:
6. E. 4.

This lord James on the other part, the fifteenth of July, (which was the second day after his unckles death whereby their posting on both sides appeareth,) sueth out

Rot. fin : 5. H. 5.
m : 28.

billa in Canc : in
turre London.

1. pars breviū
regis. 5. H. 5.

Eschaet. 5. H. 5.
post mort. Tho :
de Berkeley.

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Rot. fin. 5. H. 5.
m. 1. et 12.

Inter present. et
dies dat. in Trin.
rec: 4. H. 6. rot. 2.

Hillar. 4. H. 6.
rot. 2.

Hillar. 5. H. 6.
rot. 30.

Orig: 2. H. 6. rot. 30.
Trin. 14. H. 6. rot.

6. et lib: relioꝝ
Hillar 5. H. 6.

cum reū thesauf:
comp. Eschaet. 5.

H. 5. in bag.
Hillar : 5. H. 6.

rot 30. m. sc̄a.
Fines : 5. H. 5. in

turre m: 1. et. 14.
Orig: in sc̄a Cio. 5.

H. 5. rot. 30.

out of Chancery a writ of diem clit extremum directed to the Escheator of the County of Glouc, to enquire of what manors and lands and of what estate his said unckle dyed seized, and who was inheritable thereunto, (I speak not of other the like writs into fowerteen other Counties sued out by the said Earle,) whereupon twelve of the most worshipfull gentlemen and of the best liveliode within the County of Glouc, (they are the words of an old record,) were impanelled at Glouc the munday before Michaelmas day then next following, And sworne to present according to the tenure of the said writ; what time through the opposition then arising upon the evidence, the jury was adjourned to a further day: But the Earle having, (as it seemeth,) tasted the purpose of the Jury to find against him, procureth the 22th of October following, a second writ out of the said Court, in the nature of a supersedeas, to countermaund the former; This lord James laboreth to have the Jury proceed, and an Inquisition to bee found, And obtaineth a third writ out of the said Court commanding the Escheator to appear in that Court in person; when all the Judges of both benches are sent for by the lord Chancellor, by whose advice an other writ dated the fifth of Novem^r is awarded, whereby the former countermandment is recalled, and the Escheator commanded to proceed upon his first writ of diem clit extre^m; And soe the Jury at length give up their verdit, And found this lord James heire male to his said unckle Thomas, And that hee was to inherite the said Castle of Berkeley and the twelve manors of Berkeley, Hame, Appleridge, Alkington, Hinton, Hurst, Wotton, Simondfall, Came, Cowley, Slimbridge, and Upton St Leonards, with Advowsons of the Churches of Wotton and Slimbridge and the hundred of Berkeley, and twenty two marks | rent in Frampton upon Seaverne in the County of Glouc., by vertue of the said fine leavyed by the lord Thomas the third in the 23^d year of king Edward the third, and by other assurances by him made, as formerly in his life hath been declared; And that the same were holden of the king in capite by two knights fees and an half; But to all other manors and lands of the said lord Thomas, (Portbury in Somersethshire excepted,) they find the said Elizabeth wife to the said Earle of Warwicke to bee heire: Accordingly shee and her husband, the fifteenth of December following, sue their livery for the same manors and lands, And for five markes paid to the king have their homage respited; And in the fifth of Henry the sixth the said Earle paid his Releefe according, setting over the Releefe of the intayled lands upon this lord James, in perticular names, accordingly to the said Inq^uisicōn; And likewise the lord James the first of the same December for the said Castle and manors intailed doth his fealty; And for ten markes paid into the Hanaper hath his homage respited.

And

And because this family is now rent asunder, And this Inquisition after the death of the last lord Thomas, the very wedge, (as it were,) that cleaveth it between the two brothers children, the heir male and the heir generall, I will here present this family with the words of an old writing of that time, which age and bad keeping have made almost illegible, in these words. *Item* after decease of Thomas late lord Berkeley, uncle to James that now claymeth, upon a diem clausit extremū take before one Robert Gilt, Escheter of the Shire of Glouc., which was a sufficient learned man, & a fadde, And in his precept to the Shreve of the said County which returned twelve the worthiest Squires of the said shire at Glouc., And the having grete deliberacon of divers dayes by the space of nyne weeks, And both parties and their Counfells being present, That is to say, Richard Earle of Warre and Elizabeth his wife daughter to the said Thomas, and her counsell on the one party, and the said James and his counsell on that other pty, And all matters shewed to them at that time, as is now, They found the Taill of the said James of the said lordshipp and manors, and would not in noe wise allowe the matteirs on the said Erle is perte; whereby it appereth evidently, That though that were an enquest of office, yet sin it was don openly and by gode Courts of lawe, And the perties being in travers thereof having knowledge and being thereat, and hadden their resonable challenges to the polles by the which all such persons were avoyded and put out by the discrecion of the said Escheter, And by the which it was founden, | that the said James had right according to his evidence shewed to them, notwithstanding the great might of the said Earle And that hee and his wife that time were in possession in the Castle of Berkeley, And in all the wholl lordship, having in ward all the evidences thereof with them; upon which office the said James had livery of record.

duo veter: manu-
fer: in castro de
Berkeley.

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Item after the said livery was awarded to the said James upon the said office, the said Richard Earle and Elizabeth his wife kept the said Castle lordship and manors with strength divers years, unto the time of our Sovereigne lord king Harry the fifth father to our soveraigne lord that now is, upon a remonstrance of the right of this lord James, being greatly displeased with the said Earle, comanded him to voyd the possession thereof; And then after decease of our said Sovereigne lord, the said Richard Earle entred agen in the said manors of Wotton and others, And laid about the said Castle of Berkeley grete multitude of people in maner of warre; In which time were many persons hurt and maymed, and some slayne, for which cause, by mediation and labor of the worshipfull in God Phillip late Bishop of Wircestre, the said parties were put in ordinance of the said Bishop and S^r John Iuyn Justice, which to pese the matter for a tyme, ordained to the said Earle the manors of Wotton,

Cowley,

Cowley, and Simondfall, for the terme of his life by expres words in writing, not specifying as by the courtesy of England as it appeareth ; And to the faid James all the remnant comprised within his fine, to him and to his heires males of his body according to his title : Thus the two old writings of that time.

This lord James laboureth alfo to fue his livery and to pay his Barons releefe, and to have thefe his lands, (according to the ceremony of the lawe,) out of the kings hands, which through the favor of the time, and the overgreatnefs of the Earle, (not fattished with the Inquifiçõn,) hee could not procure.

The ninth of June following in the fixth year of king Henry the fifth, Lionell Sebroke late Steward of [the] houfhold to the faid lord Thomas, is by procurement of the faid Earle brought before the Mayor of Southton, and there depofeth That the faid lord his late master, in Christmas time in the fourth of that king, (the laft before his death,) | beinge in his withdrawing chamber in his manor of Wotton, fhewed to him, (amongft many other writings,) one old deed of entaill of the caſtle and lordſhipp of Berkeley with all the members thereof, made in the time of Robert fitz Harding, which hee then ſaw and read over ; upon his reading whereof his faid lord very haftely ſnatched the ſame from him, ſayinge hee well remembered the contents of that writing.

497

An untrue oath
certainly.

cartæ in caſtro. de
Berkeley.
comp. de Slimbr :
4 H. 5. pro. rec :
in caſtro de
Berkeley.

And about the ſame time John Bone-John vicar of Berkeley, (ſucceſſor to learned Treviſa,) and one of the faid Lord Thomas Executors, and till his death his Receiver, before the Mayor of Briſtoll made oath That the faid lord Thomas about the time of his paſſage towards the parts of Britayne, to conduct from thence the Queene of England into England, or about the time that hee was created lord Admirall by king Henry the fourth, enfeoffed him and others of the Caſtle lordſhip and hundred of Berkeley and of all his lands within the County of Glouc., and of the manor and hundred of Portbury and of the third part of the manor of Portiſhned, and of the manors of Walton and Bedmiſtre, with the hundreds of Bedmiſtre and Hareclive, To hold to them in fee without any Condiçõn, And that the Deed was executed by livery and ſeiſin, & by Atturament of the Tenants, And that Courts accordingly were holden in the feoffees names.

chres : 6. H. 5.
pars. 1.

Theſe and others the like made the Earle ſoe confident of his right to the wholl Barony, That the fifteenth of June in the fixth of Henry the fifth, hee procured of the king a confirmation of the firſt charters of King John of the manor and barony of Berkeley and of all Berkeley herneſſe.

ffrom

ffrom the time that this lord James did his fealty in the Exchequer, and was thereby and by the respiting of his homage accepted the kings tenant in cheife for his Barony, hee for two years togeather continued the poffession of his faid Castle of Berkeley and of moft of his faid entailed manors: After which time the faid Earle, encouraged afwell by the former Affidavits and other of like kind, as by the affiftance of all the greateft fervants to his late father in lawe, (as after I fhall touch,) came with great force and beseiged the faid Castle, wherein the faid James then was: Howbeit upon the refort thither of Phillip Morgan then Bishop of Worcester, (in whose | dioces it then was,) and of divers others of great worship, they ceafed that great ryot, and caufed the faid Earle to leave the Seige and to depart: Thus faith that record.

vetus manuscr: in
castro de Berkeley.

498
bill. in Canc. 6.
E. 4.

And yet in that mean time, the first of Aprill in the seaventh of Henry the fifth, this Earle of Warwicke had a privy feal from the Custos of England, not to bee sued or impleaded by this lord James or any other.

Rot. franc. 7. H.
5. m: 11.

This lord not finding in himselfe sufficient strength to wrastle wth foe potent an adversary, And confidering that all the old and principall fervants of his unckle had turned their intelligences againft him, And that hee was deprived of his antient evidences, wisely winneth with his purfe the affiftance of Humphry Duke of Gloucester the kings brother; And privately at London the first of November in the 8th of Henry the fifth, (about one year after the faid Seige,) becometh bound to Tyrrell and Sherington, (men whom the Duke much trusted,) in ten thousand markes, to pay them one thousand markes within one year and an half after hee should have fued livery of his Castle and lordship of Berkeley and have the quiet poffession thereof, (from whence it seems the faid Earle had lately ejected him,) And to grant to the faid Duke the revercōn in ffee Simple of all his lands in Wales and elfe where to the valewe of four hundred markes by the year, which were the inheritance of his mother; favinge only to himselfe an estate therein for his own life after the fame should bee recovered: But if by means of the faid Duke hee the faid James could not get livery of his faid Castle and lordshipp of Berkeley out of the kings hands, Then the faid bond of ten thousand markes to bee void.

carta in castro
de Berkeley.

By this clofe compact this lord James who before was as a weak hopp, havinge now got a strong pole fastly to wind about, grew up and bore the fruite of his own defires; And within few months after in Michaelmas Terme in the ninth of the faid king, upon a petition to the king feconded by the Said Duke of Glouc., had
licence

Rec. in sc^acio cum
rem. thes. 9. H. 5.
term Mich. rot. 1.
lib: refiors. 9. H. 5.
cm rem thesau^r.

499
Baronia.

Comp. Escaet : 2.
H. 6. in бага de
pertic : in scacio
cum rem : thes :

licence to sue his livery of the said Castle and lordshipp of Berkeley, And payeth, as the Releefe of a Baron and peere of the Realme, one hundred markes according to the Statute of magna charta for his inheritance soe intailed, and found by Inquisition | fower years past as aforefaid; which saith this record are holden per servitium vnius baroniæ integræ, by the service of an intire barony, And for better prooffe of the tenure soe to bee, voucheth that excellent record in the same office in the fourth of Edward the third, formerly mentioned in the life of his great grandfather, Thomas lord Berkeley the third of that name. And herewith also agreeth the Escheators Accompt of this County in the second year of Henry the sixth.

pat: 9. H. 5. ps. 1.

Rot. parliam. 9. H.
5. in dorso.

claus : 9. H. 5.
dorso.

pat. roll. 9. H. 5.
pars. 1. in dorso.

pat: 10. H. 5. dorso.

And then also the second of September is this lord first brought into the Comission of the peace in this County of Glouc., and first of all other therein named. And the king the twentieth of the next month sent his writ to this lord to bee at the parliament the first of December following, as hee then did to other peeres of the Realme: And being in the said somons of parliament named the last of all other Barons, it may bee conjectured That his writ was sealed and sent by it self after hee had paid his Releefe in the Terme before, for in other somons of parliament hee is named. with the first, or first of all. And by his being in the said Comission of the peace the said second of September the same ninth yeare named the first Comissioner of all the fowerteen therein, And this being seaven weeks before the somons of parliament, And hee placed before the Judges, It may give assurance That hee was taken for a Baron from his unckles death, though not called to the parliament till after.

Rot. recogn. tenen.
manerij de Cowley.
9. H. 5.

claus : 1. H. 6. m:
19 in dorso.

And now at whitfontide this yeare did the Tenants of the manor of Cowley, and such others as had stood out or were drawn against this lord, (now become their landlord,) Atturue and recognize their tenures and services, and pay to him their rents; And this was the influence of the foresaid private Articles with the Duke of Gloucester, at this time protector of the Realme, That in this sort soe changed the season of the times and the benefit of the lawes in them; And as a further addition of honor to that private bargain, (as it may seeme,) this lord James was also about this time knighted, for the 17th of November in the first year of Henry the sixth, I find the Bishop of London, Chancellor of the dutchy of Normandy, to deliver up that seale to the young king at Windsor in the presence of the said duke of Glouc., Richard Earle of Warwicke, and this lord James, by the name of Jacobus de Berkeley chivaler, when, no doubt | they were met at Court about their arbitrement; for the tenth of September before, the said Earle of Warrwicke and this lord

500

lord James, (by the name of Jacobus dñs Berkeley without miles or chivaler,) had mutually entred into severall recognizances of ten thousand markes the peece each to other to stand to the arbitrement of Phillip Bishop of Worcester, Judge Iuyn and others, concerning all articles wanting any declaration, contained in two Indentures late made betweene the said Earle and lord Berkeley; Provided allways that the Arbitrators meddle not with any security of any manors in the said Indentures contained, or of the manors of Wotton, Portbury, Cerney, and Cernecote; And also doe stand to their award for all futes and debates touching their servants heretofore moved or depending, (excepting those that arose between their servants at Hamersmyth by London, and of the blows then given, which they have submitted to the Duke of Gloucester;) Soe that the award bee made before Christmas day next.

claus: 1. H. 6. m.
12. in dorfo.

Many were the bickerings of the said Earle and lord James and of their servants wherefoever they met: And oftener were the inrodes incursions and depredations which each of them made upon each others tenants, as after will more perticularly appeare.

As for the Indentures mentioned in the Condiçon of the said recognizances, I could never have the hap to receive that light which their perusall would have given, to the ground of the troubles which fell out upon the said Earles death.

Upon the said reference nothing seemes to have been done, for that the Twentieth of May following they entred into new recognizances of ten thousand markes apeece either to other, to performe the award of the bishops of London and Worcester and of three others, or of any three of them, or of any other three fit persons, by the said Earle and lord Berkeley to bee named, Soe that the award bee made before midfomer day next.

claus: 1. H. 6. m.
2. in dorfo.

Nothing being done upon that second reference, A third was to the same parties, for performance whereof the said Earle and lord Berkeley became bound mutually each to other in the sum of ten thousand | pounds apeece, Soe that the award were made before all S^d day then next, whereupon though noe award was made, yet upon another reference, an award was in part made the 24th of November in the third year of king Henry the sixth composing part of the differences between the said Earle of Warrwicke et reverendum dominum Jacobum dominum de Berkeley, by the said Phillip Bishop of Worcester and John Iuyn, through the great and unwearied

claus: 2. H. 6. m:
18. in dorfo.

501

ex vetusto codice
manusc: ãmWitfo
Oldifworth Ar: de
medio templo. fo.
265.

carta in castro
de Berkeley.

unwearied labor of the lord Henry Bishop of Winchester, wherein also the said Arbitrators promised their further award before Michaelmas day next after, which was performed on the sixth of October in the fourth year of king Henry the sixth, by the said Phillip Morgan bishop of Worcester and John Iuyn cheife Justice of the kings bench, whereby the manors of Wotton, Simondfall, and Cowley, and divers lands, tenements, and rents in fframpton upon Seavern, Cromall, Acton, Kingfcote, Michelhampton in the County of Glouc., and the hundreds of Hareclive and Portbury and the manor of Porteshned, Limeridge wood, Weston in Gordan, and certaine lands in Uphill and Criston in the County of Somersfet, were awarded to the said Earle for his life, And the manors of Came, Hinton, and Slimbridge, and all lands tenements and hereditaments in those manors in the County of Gloucester, were (amongst others) awarded to the said Lord James and the heires males of his body.

And thus was peace settled for the Joynt lives of the said Earle and this lord James, which held for thirteen yeares, till the Earle dyed, both of them then newly marryed to their second wives, as in fit places shall bee delivered: what the Earle gained I know not, but this peace I am assured cost the lord James foe deere, having no personall estate from any of his Ancestors, and none of the portion of his first wife, that hee became much indebted; a continuall borrower, and often of small sums, and some of those upon pawnes, yea of Church vestments and Altar-goods; And recovered not himself in estate, (through the worser troubles that fell upon him after the death of the said Earle,) whilst hee lived, Soe that he lived and dyed in a farr meaner port and condition than any of his Ancestors from the dayes of Harding the Dane. |

502

Of the Barony of Berkeley and of the precedency thereof.

Havinge now the advantage of a place most proper for that purpose, I will deliver mine opinion of the place and precedency of George now lord Berkeley amongst his fellow Barons, in the assembly of parliament or other honorable meetings; which is the discharge of the promises I made in the life of Robert the first, when I treated of the first grant of this Barony of Berkeley made to the said Robert and his heirs, makeing the question to bee, (as made it is,) whether the lord George shall take his precedency from the said Robert the first, made a Baron by king Henry the second in the first of his raigne, Or from the death of the said lord Thomas the fourth that dyed in the fifth year of King Henry the fifth, Anno. 1417, leavinge issue Elizabeth his onely daughter and heire, maryed to Richard Beauchamp Earle

Earle of Warwicke, as often formerly hath been declared ; Or from the call by writ of king Henry the eighth in the fourteenth year of his raigne, made to Maurice the sixth, As after followeth in his life.

fol: [634]

In the life of the said lord Robert the first, I have mentioned three sorts of Baron, 1st by tenure. 2^d by writ, and 3^d by patent or creation ; And how the said lord George is a Baron by tenure, And not called originally by writ nor by any patent creation, which is a truth past all question upon the records hitherto mentioned in the life of each lord untill the death of the said lord Thomas the fourth. **A**nd that this lord James tooke not his place of precedency from the time of his unckles death, neither was called anew by any writ, but that hee was, upon the inherency of the dignity to the honor and splendor of the Castle and manor of Berkeley, fetled at this his first parliament in the ninth of king Henry the fifth, within a few weeks after his livery sued, (what time the said Elizabeth was livinge,) upon the cushion of his old Ancestors, is also as certaine.

fol: [37]

It will bee denyed at the first chop, That at the parliament in the 9th | yeare 503 of Henry the fifth when this lord James was first called thereto, That the said Elizabeth was then livinge ; And urged will this family bee to prove it ; for soe (as I have heard) more then twenty years past was this lord Abergavenny put to doe, when hee vouched this president in prooffe of his assertion, before Robert Deverox Earle of Effex then Earle Marshall.

First therefore to prove her death is her Epitaph before mentioned, which declareth That shee dyed the 28th of December in the first year of Henry the sixth. Anno. 1422. as are the collections of Heralds in their traditionary bookes, and divers old manuscripts ; which is much confirmed by the will of her husband, proved in the prerogative Court of Canterbury seaventeen years after. And there is one Court roll amongst the evidences of the lord George Berkeley, holden in the ninth year of Henry the fifth after the somons of the said parliament, stiled Curia Ricⁱ de bello campo et Elizabethæ vxoris ejus &c: And at a reference to Judges in ferjeants Inne hall, in the times of controversy between Henry lord Berkeley and Robert Sidney now Earle of Leicester, in October Anno quinto Jacobi Regis, his Counsell, (himself then present,) shewed forth an Accompt of a manor proving her livinge in the first of Henry the sixth, And no doubt but with his lordship and S^r ffulke Grevill lord of Warwicke Castle are many others of like kind.

fol: [478]

Rot. Curie in
castr. de Berkeley.

Amongst

Trim : 4 : H : 6.
rot. 2. ex parte
rem. thesaur: inter
presentaões et
dies dat :

Amongst the presentations in Trinity Terme in the 4th of Henry the sixth in the Exchequer, it doth appear that the Sheriffs of Gloucester and other Counties had in Michmas Terme in the first and second of Henry the sixth returned her dead : And these kind of Records and the writs of Hillary Terme in the first of Henry the sixth, in divers Counties where shee had lands of inheritance, (formerly mentioned,) do make the time of her death certaine after that parliament of the ninth of Henry the fifth was ended.

fol: [37]

504
Coke : 2 : part :
80. b.

I have also said in the life of the lord Robert the first, That a Baron by tenure is hee that holdeth any honor Castle or manor as the head of his barony in capite per baroniam which is grand Serjeanty : Now if the Castle honor or manor be holden in Baronage, (as most assuredly this of Berkeley is,) be aliened without the kings licence or consent it is forfeited to the kinge ; | And such dignity or estate is no longer to continue and be borne, but to be resumed and extinguished in the Crown from whence it was derived, As in y^e case of Willm de Bruse in the time of Edward the first, who aliened part of his barony of Brember without licence.

And it is a generall received orthodox opinion amongst all heralds and Antiquaries, That till the time of king Richard the first or of king John his brother and heire, each man to whom the Crown gave lands to hold by knights service in Capite, was thereby made a Baron and peere of the Realme, & had voice in parliament ; And that all those mentioned in the red booke in the Exchequer, (formerly vouched by mee,) whereof this Robert the son of Harding was one, to have accordingly certified their tenures to king Henry the second, father of the said king Richard and king John, about the 14th of his raigne, where the Barons of that time : But after Barons had a more spetiall creation by patent, and lastly by writ.

— But to draw a little nearer to the point I aime at ; If the alienation be by licence, it is either made for continuance of his barony honor and lands, in his own name bloud and issue male, (as this of Thomas the third in the fourteenth of Edward the third was,) or els the same alienation is made for money or other recompence, or otherwise to a meer stranger ; And hereof ensueth this second conclusion or assertion . viz! That if such alienaçon be made for the continuance of the barony in his name and bloud or issue male, (as many besides the said lord Thomas Berkeley have in all ages made the like,) Then have such issues male together with the Barony be it Castle manor or honor be holden, held alsoe and lawfully enjoye'd the name stile, title, and dignity of a Baron with their Ancestors place of precedency ;
And

And thereof the heires generall or next heires female have been utterly excluded and debarred. And for the prooffe of this conclusion or affertion manifold presidents may bee produced, whereof some have happened almost in every age for . 300 . years space, namely soe longe in effect as there have beene observacons thereof ; of which kinds take these ten here ensuing . viz:

1. **It** appeares by Inquisition after the death of Wiltm de fferrarijs lord | of 505 Groby in Leicestershire, That Margaret lady of Groby gave to William fferrars her second son and to the heirs of his body the manor of Groby &c, by vertue whereof the said Wiltm fferrars and his heires were ever after Barons of Groby.

2. **Robert** Walleron Baron of Killpeck dyed in the first of Edward the first without heires of his body, And Robert Walleron son of William brother of the said Robert was his next heire ; yet notwithstanding the said Robert dying gave to Allen Plogenet son of Alice his sister the Castle lordship and manor of Killpecke with appurtenants, To hold to the said Allen and the heires of his body, as appeareth by the said inquisition ; by vertue of which entaile, the said Allen was Baron of Killpecke and somoned amongst other barons to the parliaments, And dyed in the 27th of Edward the first.

3. **It** appeareth by divers Inquisitions in the time of Edward the third, That John Handlowe in right of Mawd his wife, was seazed of the manor of Holgate, Acton Burnell, and others, for terme of her life, The remainder to Nicholas Handlowe ats Burnell son of the said Mawd and John, by a fyne in the kings Court leavyed, And that John Lovell was next heire of the said Mawd, and her first born son by her first husband ; And afterwards the said Nicholas was somoned amongst other lords to parliament by reason of the fyne aforesaid, And not the said John Lovell who was next heire to Mawd.

4. **Thomas** de Beauchamp th'elder Earle of Warwicke, by a fyne leavyed in the 18th of Edward the third, entailed the Castle and manor of Warwicke with other possessions to himself for terme of his life, The remainder thereof to Guy his eldest son and to the heires males of his body ; And for want of such heires males, The remainder to Thomas Beauchamp brother of the said Guy and to the heires males of his body &c : Afterwards the said Guy dyed without heires males of his body, leaving two daughters and heires livinge : Afterwards the said Earle dyed, And the said Thomas the son entred into the Castle and manor aforesaid with the other
possessions,

506 possessions, And was Earle of Warwicke by reason of the Entayle aforefaid, notwithstanding that Katharine daughter | of Guy and next heire to Thomas th'elder the Conuzor,¹ was living thirty yeares after his death : And this later Thomas was father of our Richard Beauchamp, and the man that articted the mariage with Thomas lord Berkeley the fourth, as before in his life is declared.

5. **Richard** Earle of Arundle, by a fine leavyed in the first of Edw^d the third, entailed the Castle, Town and manor of Arundle with other lands, to himself and his heires males begotten on the body of Ellenor his wife ; by vertue of which entaile John lord Maltravers was Earle of Arundle after the death of Thomas the Earle, who dyed without issue in the third of Henry the fifth ; Although the sisters of the said Earle Thomas possessed divers manors and honors, of the which the said Thomas dyed seized in fee simple.

6. **John** de Vere Earle of Oxford seized in his demesne as of fee taile to him and his heires males of his body issuing, of the honor and County of Oxford, with divers other lands, dyed in the 18th of Henry the 8th without heires males of his body, And his three sisters were his next heires generall ; But John de Vere his next heire male was Earle of Oxford by reason of the said entaile, And none of the three sisters obtained the dignity.

7. **William** lord Paget of Beaudefert was seized in his demesne as of fee of the Baronies of Langden and Hawood, and of and in the manors of Beaudefert Langden &c : And being soe seized, by fine in the fifth of Queen Mary, entailed the baronies and manors aforefaid to him and the heires males of his body issuing, And afterwards in the fifth year of Queen Elizabeth dyed, leaving Henry his son next heire male ; which Henry entred into the said baronies and lands, and dyed thereof seized in the 11th of Elizabeth, leaving Elizabeth his only daughter and heire ; After whose death Thomas Paget brother and heire male of the said Henry entred into the Baronies and manors aforefaid, and was somoned to the parliament by vertue of the said fine.

507 8. **Robert** lord Ogle entred into the Barony of Bothall and Ogle wth divers other manors and lands in the County of Northumberland, by | conveyance, which was to himself for terme of his life, the remainder to the heires males of his body begotten ; And hee tooke to his first wife Dorothy Withrington, by whom hee had issue Robert Ogle his eldest son, and Margaret his daughter maryed to Gregory Ogle

¹ Conuzor—from Fr. *Connoissant*, knowing or understanding : as, “if the son be conusant and agree to the feoffment, &c.”—*Co. Litt.*, 159.—[Ed.]

Ogle of Chippington ; And the said Robert the father, after the death of the said Dorothy his wife, tooke to his second wife Jone Ratcliffe, by whom hee had issue Cutbert his second son, and after dyed : After whose death Robert the son was lord Ogle, from whom the same descended to Cutbert, being brother of the half bloud, by vertue of the said entaile, and not to the said Margery nor unto her heires being of the wholl bloud unto the said Robert the son.

9. **Thomas** de la Ware dyed feized in his demesne as of free taile to himself and to the heires of his body issuing, by reason of a fine leavyed in the time of his Ancestors, of the Barony de la Ware, with divers other lands in divers Counties, and dyed in the fifth of Henry the sixth without heires of his body ; And Reginald West knight of the half bloud, was nephew and heire by reason of the Entaile aforesaid, and was somoned to the parliament by the name of Reginald lord de la Ware knight, Although John Griffith was heire generall of the aforesaid Thomas de la Ware being of the wholl bloud, as appeareth by the genealogy ensuing . viz: John de la Ware son of Roger had issue John de la Ware, and Katharine maryed to Nicholas Latimer ; The said John son of John had Roger de la Ware, who by Elizabeth his wife daughter of Adam lord Wells had issue John de la Ware, who dyed without issue, and Thomas de la Ware who also dyed without issue ; The said Roger de la Ware, by Elizabeth his second wife daughter of the lord Mowbray, had issue Jone maryed to S^r Thomas West knight, who had issue S^r Reginald West, lord de la Ware by the said Entaile : The said Katharine, wife of Nicholas Latimer, had issue Katharine maryed to [Thomas¹] Griffith who had issue John Griffith heire generall to the lord de la Ware.

10. **And** quid obstat, what lets, That I may not paralell the foresaid Thomas lord Berkeley and this lord James his nephewe with these former presidents, And made their case thus.

Thomas lord Berkeley, grandfather of the said Thomas, was feized in his demesne as of free of the Castle manor and barony of Berkeley &c : And by him a fyne was leavyed in the kings Court by licence in the 23th of Edward the third of the said Castle manor &c : To him for terme of his life, The Remainder to Maurice his son and to the heires males of his body coming, with other Remainders over ; The which Maurice had issue Thomas lord Berkeley and James Berkeley, knight ; which James dyed in the life of his brother leaving this James his son and heire livinge. Afterwards the said Thomas lord Berkeley dyed in the fifth of Henry the fifth,

fifth, leaving Elizabeth his onely daughter and heir maryed to Richard Beauchamp Earle of Warwicke : After whose death James his nephewe on his brothers side entred into the said Castle, manor, lands and remainder aforesaid, by vertue of the said entaile, And was somoned to the parliament as Baron of Berkeley in the ninth yeare of Henry the fifth assoone as his livery was sued, Although Elizabeth was then living, and dyed not till the first of Henry the sixth as before is declared.

Rot : claus : in
ijsdem annis in
turre in dorfo
eodem

claus : 9. E. 4.
dorfo.

And if all these noble families mentioned in these foresaid nine presidents have had their places of precedence according to the places of their Ancestors, (whereto more may bee added,) why not then this lord James, And consequently the lord George Berkeley that now is, as his heire male, Anno. 1620. And that this lord James so tooke his place in that parliament in the nyynth of Henry the fifth, and in the somons of parliaments in the .4th 7th 10th 11th 12th 13th 15th 18th 20th 23th 25th 27th 28th 29th and .38th yeares of Henry the sixth, And in the first and second of Edward the fourth, appeareth by the Rolls of somons thereof, in all which hee was placed the first Baron of all. And if noe just order were therein observed, yet it seemes strange that it should still so fall out by chance : But if order of place were observed, then certainly it was for his true place of precedence, and not for the honor of his age, (then under forty,) nor for any office of state, for hee had none. **And** as the fathers place stood in these rolls of somons to parliament, soe was his son the lord Withm ranked after him all the residue of Edward the fourth his time, till hee was created viscount Berkeley : Neither is any thing (for ought I know) to the contrary, save whilst Thomas de la Ware Clark was lord de la Ware in the times of [Rich. II., Hen. IV., Hen. V.,] and of Henry the sixth, who for the honor of his preisthood was ranked before others. |

509 **And** if question should arise hereafter between the said lord George Berkeley and the lord de la Ware, (both at this time in their minorities,) for precedency of place, As I have heard it is likely to doe, in that the lord Berkeley thinketh his Ancestor was unevenly in the time of Queene Elizabeth placed next above his grandfather : mee thinks the place and honor of precedence should belonge of right to the said lord Berkeley, whether wee consider their places from their first Ancestors, or whether but from the discents of their Ancestors severall Entailes ; Sith this of the lord Berkeley was cast upon his Ancestor this lord James in the fifth of Henry the fifth ; And that of his upon S^r Reignold West but in the fifth of Henry the sixth, ten years after ; and hee also but of the halfe bloud, as is before declared ; And the fine of the Lord Berkeley in the xxiiith of Edward the third to the

the heires males was, (as I take it,) before the entayle that advanced the said Sir Reignold West to the Barony of de la Ware.

And somewhat the better to informe the younger yeares of the lord George Berkeley, I will comend to his consideration the case of the late lord de la Ware, and the resolution it received, not unfit for this place and question, mentioned by S^r Edward Coke in the 11th part of his reports, which was thus.

Thomas lord de la Ware, in the third of Edward the sixth, being in some displeasure with Willm West his nephewe and heire, who was father to Thomas late lord de la Ware, procured an act of parliament by the which the said Willm West was during his naturall life cleerly disabled to claime demand or have any manner of right, title, or interest, by discent, remainder or otherwise, in or to the manors lands Tenements or hereditaments, title or dignity of Thomas lord de la Ware his uncle. Afterwards the said Thomas de la Ware dyed, and the said Willm West was in the time of Queene Mary attaynted of treason by verdict, And afterwards pardoned by Queene Mary, And afterwards by parliament in the time of Queene Elizabeth restored; And after in the eighth yeare of her raigne was created lord de la Ware by patent, and had place in parliament according to his creation by patent, for that by the said act of parliament in the third of Edward the sixth hee was excluded to challenge the former antient Barony, And after hee dyed: whether the now lord de la Ware should take his place according to the antient barony by writ, or according to his fathers creation by patent, was the question: The opinion of her Ma^{ties} Attorney generall and Sollicitor was, That the acceptance of the new creation by the said Willm West, could not extinguish the antient dignity in him at the time of his creation; but the dignity was at that time by the act of parliament in the third of Edward the sixth in abeyance, suspense, or consideration of law, and hee thereby utterly disabled to have the same duringe his life only. Soe as other acceptance could not extinguish that dignity which hee then had, nor could not exclude his heire, who was disabled by the said Act of the third of Edward the sixth to claime the antient Barony: w^{ch} opinion of theirs was seen and allowed by the resolution of the cheife Justice of England and lord cheife Baron, and soe signified to the lord Keeper.

Coke. 11. part.
fo : 1. sup. de la
wares case.

510

But note by the reasons made for the said resolution; That if the said Willm West had been Baron and intituled or in possession of the antient dignity when hee accepted the said creation, the lawe perchance might have been otherwise, but that remaineth

Coke. reports ps. 7 fol: remaineth as yet unrefolved: Nevertheleſs the rule is Eodem modo quo quid conſtituitur, diſſolvitur; But by a grant which is but a matter of fact, a man cannot transfer his title of honor. Whereupon at the ſaid parliament in the 39th of Elizabeth the lord de la Ware in his parliament robes, was by the lord Zouch, ſupplying the place of the lord Willoughby within age at that time, And Henry lord Berkeley alſo in his robes, brought into the houſe, and placed in his place next after the lord Berkeley, (ſaid the booke,) but therein is the queſtion. Thus S^r Edward Coke.

Coke. ps. 11. fo. 1.
privil: of parliamt
fol: 30.

And further That in all the aforementioned ſommons to parliaments, the lord de la Ware is almoſt the laſt in place in thoſe Rolls: And alſo I have obſerved, That from the firſt ſomons of parliaments that is of record in rotul: clauſaz in the Tower, viz^t from the 49th of Henry the third to the foreſaid fifth of Henry the fifth, the writs directed to the lord Berkeleys are almoſt allways entred in thoſe Rolls
511 before | the writs to the lord de la Ware, whereof I have obſerved the moſt parliamentary yeares.

fol: [654]

ſee after fol: [727]

And for calling Maurice the ſixth to the dignity of lord Berkeley, conferred upon him by Henry the eighth before mentioned, the ſame was but perſonall; at what time the barony of Berkeley, by reaſon of the entaile of Wiſſm lord Berkeley in the third of Henry the ſeaventh made to that kinge, and the heires males of his body, as followeth in the next life, was in abeyance ſuſpence or conſideration of the lawe, as before is reſolved in the caſe of the lord de la Ware; Neither was the ſaid Maurice, nor Maurice his father brother and heire of the ſaid William, either Barons in eſſe or in poſſeſſion of the antient dignity, when that honor was by king Henry the 8th conferred upon him: Neither could the acceptance or continuance of the dignity by Thomas his brother, or by Thomas ſon of the ſaid Thomas, bee any barre or hindrance to his ſon Henry, when through want of iſſue male of the body of king Henry the ſeaventh, the ſaid Henry entred upon his Anceſtors dignity Barony honor and manor of Berkeley in the firſt year of Queene Mary, both as right heire to the ſaid lord Wiſſm the Conuzor, (the laſt remainder man in the ſaid ſyne,) And alſo by diſcent of the antient dignity from the firſt lord, which could not bee extinguished; And whereto the ſaid lord Henry ſeemes the rather remitted by his minority, being at the death of King Edward the ſixth but nineteen yeares old, as after followeth in his life: And ſoe I conclude That the now lord George, notwithstanding all objections to the contrary, ought to have his honor and precedency from the firſt year of Henry the ſecond, And before the lord de la Ware: And now I returne to the former troubleſome title of this lords ſuites in lawe.

Of this lords lawe suites.

512

The said Richard Earle of Warwicke dyeth the thirtieth of Aprill in the 17th of king Henry the sixth, Anno. 1439. And the 6th day of September following, an Inquisition after his death is taken at Gloucester, finding that hee dyed seized as Tenant by the curtesy of England after the death of Elizabeth his wife, (amongst other lands,) of the manors of Hinton, Came, Cowley, Wotton, and Symondfall, with the Advowson of the Church of Wotton, And that the reverſion thereof in fee taile belonged to Margaret, Ellenor and Elizabeth his daughters, as heires to the said Elizabeth his late wife, by force of an entaile made in the time of kinge Henry the third, by Maurice then lord Berkeley, to himself and Ifable his wife and to the heires of their two bodies, the remainder to the right heires of the said Maurice; And accordingly the said Inquisition deduceth down the discent of that entaile to the said Countes Elizabeth and her three daughters, Avoiding the fine to the heires males in the 23th of Edward the third, (often before mentioned,) by a remitter in Maurice son of the lord Thomas the Conuzor.

Escaet: 18. H. 6.
in turre.
Rec: sub magno
figillo.
fin: 17. H. 6. m: 4.
fin: 19. H. 6. m. 11.

And further finding, That as Tenant by the curtesy of England the said Earle Richard likewise dyed seized of the manor of Slimbridge with the Advowson thereof, the reverſion in fee taile after his decease to his said three daughters belonging, by force of a guift in franke mariage made by Roger Berkeley lord of Dursley, longe after the coronation of king Richard the first, to Maurice Berkeley and Alice his wife daughter of the said Roger; And in like manner deduceth down the discent in taile to the said three coheires, And avoyd thereby the fine to the heirs males by a Remitter in Maurice aforesaid.

Against this Inquisition or office and these old rusty Entailes therein found, (which begat more troubles and expence then is credible,) it may seem this lord James had roughly resisted; for the second of July before, the greatness of his adversaries had caused him to bee committed to the Tower, from whence the 14th of that month hee was bro^t | before the king into the Chancery, and there entred into a recognizance of one thousand pounds to appear againe there personally, tres Michies after, and soe from day to day till hee should bee dismissed, and further to abide the order of that Court: Whereupon I gather hee was then released out of the Tower, for the 28th of September following hee was somoned to the parliament which began the 12th of November, where hee was one of the tryers of petitions: A like course whereunto they tooke by turning him out of the Comission of the peace, and subdedy, and all other Comissions that resented any command lustre or authority

claus. roll. 17. H.
6. m: 5.
eodē. m: 5. in
dorſo.

513

Rot. parliam. 18.
H. 6.
claus: 18. H. 6.
dorſo.
franc: 30. H. 6.
m: 6. 12. et ult.

Vascon: 31. H. 6.
m. 2. 5. 7.

authority in his Country, when in the 29th and 30th yeares of this king they oppressed him and his sons, as after followeth; At what time his adversaries had the greatest authorities and offices of honor and power the Crowne could give, And indeed were themselves the upholders of the kings regality and Crowne.

Escaet. 19. H. 6.
post mort. Ric.
Beauchamp.

Two years after, viz: the second of November in the 19th of kinge Henry the sixth, was also another Inquisition after the said Earles death, by vertue of a quæ plura, found at Cirencester, which intituled the said three coheires partly as heires in fee Simple, and partly as heires in generall taile, to a great quantity of land within every of the aforefaid manors, and of the other manors of this lord James, more then was comprehended in the former Inquisition of the 17th of king Henry the sixth; which apparently declareth how all the deeds and evidence of the lord Berkeley had been under the canvassing and most narrow view of the said Earle and his Counsell, which Inquisitions not only remaine in the Tower of London, but their transcripts also in the Exchequer, and in the bags of the Escheators Accompts there to this day: whereto I may add the two offices found in one yeare in the same County of the like quality in the 7th of king Edward the fourth, the one after the death of the said lady Margaret, the other after the death of her sister the lady Ellenor.

Escaet. 17. H. 6.
in turre.
Orig: in sc^acio. 17.
H. 6. Rot. 23.
Portbury
fines. 17. H. 6.
m. 3.
514

A like Office was also, the foresaid 17th of king Henry the sixth, found after the said Earles death, in the County of Somersfet; whereby his said daughters and coheires were intituled to the manor of Portbury and other lands there: Howbeit the said lord James had, the 18th of July before, obtained the custody of them from the king from the death of the said Earle till the feast of all Saints after, according to the Statute of the eighth of king Henry the sixth.

Hillar: 18. H. 6.
rot. 2. in sc^acio
cum rem. regis.

Upon returne of which Inquisitions, (which past all question were very indirectly carryed,) this lord James found himself much wronged; but being overpressed with the greatnes of the three Co-heires and their powerfull husbands, and with the extraordinary favour which they had with that weake kinge, and especially with Queene Margaret who ruled and over ruled all affairs, could not avoid them: yet for three years or thereabouts after the returne of those Inquisitions hee kept the possession of the manors of Cowley, Wotton, and Symondfall, (as always hee did of Came and Hinton,) but thereupon sprunge up such contentions, suites, quarrellings, bloudsheds and other mischeifes, as are irksome in their very remembrance, continuing five or six years together. A small taft whereof, take[n] out of a Star-chamber

sub sigillo in castro
de Berkeley.

chamber order made on Saturday the 12th of September in the 23th of king Henry the sixth, then sitting at Westminster, the kings Counsell, the Chancellor, Treasorer, privy seale, the Duke of Suffolk, and the cheife Justice; where, the parties themselves all appearinge, It was agreed That all distresses taken between them and their tenants should bee delivered by a writ of replegiare, And not to be eloynd¹ into forren shires; And that both the said parties should thenceforth bee of peaceable bearing for themselves their tenants and servants, not attempting any thinge to the breach of the peace; And thereupon the said James had licence to depart into his Country, with this comāundment, That hee should againe appeare in Hillary Terme following in his own person; for which and for observing of this order hee became bound in two thousand pounds, And the Earle of Shroesbury husband to the said Margaret in the like sum, by his Counsell: And hee that searacheth into the books of that Courts orders from the times of these first offices till the end of that kings raigne, shall find matter of riot, force, violence, and fraud, enough to blot more paper then I intend in the wholl life of this lord: And shall also find Withm this lords eldest son, the 11th of May in the 24th of Henry the sixth, comāded under the great seale of England upon his allegiance to appeare forthwith before the kings Counsell to answere his misdemeānors in these buisineses.

Of these stirrings take also a litle further tast out of the Court of Common pleas in the 18th of king Henry the sixth, which shews how David | Wodburne with divers others of his fellow servants, by direction of their master John Talbot viscount Lisle, (son and heire of the said Margaret,) cominge to Wotton, served this lord James with a subpena for his appearance in the Chancery: Instead of obeying the proces, this lord James not only beat the parties, but will hee nill hee, inforced the said David to eat the subpena, wax and parchment; for which severall actions were forthwith brought against this lord James and his men, by the said lord Lisle and his man David.

Of these stirrings also in these times, take a further tast out of the Court of Chancery, wherein William lord Berkeley shewes, That after the said Earle of Warwicks death, this lord sent fower of his servants and tooke a quiet possession of the manors of Wotton, Simondsfall and Cowley, which hee continued by three years and more, untill the said Margaret Countess of Shroesbury by great subtilty and might entred againe upon him, whereupon was made great dispoile, robbery, murder, and many other inconveniences and heynous mischeifes, to the importable hurt

br̄ia regis : 24.
H. 6.
pars. 1. in turre.

Mich : term. 18.
H. 6.
rot. 126. 421. et
567.

515
Trin : and Easter
termes : 18. H. 6.
rot. : 279. et. 180.

Billa dñi Berkeley
in Cancellar̄.

¹ Eloine, (from the Fr. *Efloigner*) signifies to remove—to send a great way off.—[Ed.]

hurt of the said lord James and the lady his wife, and in effect to their utter destruction and of their children : Thus the bill.

fran: 18. H. 6.

m: 9.

Mich: pasch: Trin.

38. H. 6. in sc^acio

Mich: 3. E. 4. rot.

51. in sc^acio:

Pasch: 4. E. 4. rot.

9. in sc^acio cm

reim. thes:

And the same year, the said three Coheires and their husbands arraigned an Affize of novell disseizin against this lord and the lady Isable his wife, and Withm Berkeley knight their son and heire, for the foresaid manors of Came, Slimbridge and Hinton.

And contrarily this lord James arraigned his Affize of novell disseizin also against the said three Co-heires and their husbands for the said manors of Wotton under edge and Cowley.

claus: 19. H. 6.

m: 20. in dorfo.

These fuites and many others, the 18th of february in this 19th yeare, brought a reference to Hody cheife Justice of the kings bench, Newton cheife Justice of the Comon-pleas, and ffray cheife Baron, arbitrators indifferently chosen by all the said parties to decide the controversies that were amongst them, for any the lands that were Thomas late lord Berkleys in the Counties of Gloucester and Somersset, Soe that their award were made before midsomer day then next ; And to stand to their award each party became bound to other in severall recognizances of 5000 markes the peece. |

516

eodem in dorfo

m. 6.

And when noe end was by that day made by the said Arbitrators, All the said parties renewed their reference to them againe in like maner as before And each became bound to other in the like sums the 12th of July after, soe y^e their award were made before Octabis Michis then following : Neither came any end from this reference, But the 24th of October following John lord Talbot husband of the said lady Margaret obtained from the king a protection from all fuites for a year then followinge.

Rot. franc: 20.

H. 6. m. 24.

Rot. parliament.

20. H. 6. m. 11.

Whereby (as it seemes) this lord James finding himself bound up from the comon liberty of a subject and peere, tooke such exception, That the lord Talbot in January following petitioned to the parliament then in being, to have from the parliament a protection allowed to him, and a stay of all fuites, duringe his absence in France in the kings service, which hee obtained for a yeare ; But with this proviso That if either hee or Margaret his wife, Edmond Earle of Dorset or the lady Allienor his wife, or Geo: Nevill lord Latimer and Elizabeth his wife, or any of them,

them, or any in their names or by their commandment, enter into any lands or Tenements whereof James lord of Berkeley, and Willelm Berkeley knight son of the said James, or either of them are seized or were seized the first day of this present parliament, Then in that case the protection specified in the said petition to be disallowable in any action sued upon the lands or Tenements upon which entry is thus made: Provided also, That if the said three Coheires or their husbands or any of them or their heires, sue any action against this lord James or Willelm his son or their heires, or against any of the said lands or Tenements of the which the said lord James or Willelm is or was seized the first day of this present parliament, within the said yeare, Then the said protection to be void and of no force in lawe.

The 19th of february in the said twentieth yeare of king Henry the sixth, near about the time of the former stirrings in parliament, A like new reference was by all the said parties to Fortescue cheife Justice of the kings bench, and to Newton and ffray aforesaid, Soe that their award was made before palmsunday then followinge; And like recognizances of . 5000 . marks each party gave to other to perform the same. |

In which times the said John lord Talbot was by L^res patents dated the twentieth of May in the Twentieth of king Henry the sixth created Earle of Shroesbury; And fower years after was loaden with new honors in England, France, and Ireland; And Edmond Earle of Dorset was created Marques Dorset in the 21th of Henry the sixth, And Duke of Somersfet in the 26th of Henry the sixth; And was great grandchild of king Edward the third: And John Talbot son of the said Earle of Shroesbury by the said lady Margaret his second wife, was made lord Lisle, by reason of the tenure of the manor of Kingston Lisle in the County of Berks.

After all these quarrellings and outrages from the 17th to the 26th of Henry the sixth, between the said three Co-heires and their husbands of the one part, And this lord James on the other part, the fifth of Aprill that year An award was made between them at Cirencester by the lord Ferrars, lord Beauchamp, Judge Fortescue, Judge Yelverton and others Arbitrators; wherein they recite the former award made by the Bishop of Worcester and Judge Iuyn in the fourth of Henry the sixth; And now award to the said three co-heires the manors of Wotton, Simondsfall and Cowley in fee simple: And all the other lands and Tenements which in the 4th of Henry the sixth were by the then Arbitrators awarded to the said Earle of Warwick,

claus : 20. H. 6.
in dorso : m : 14.

cart. ab anno. 1.
vsque 21. H. 6.
m : 11. 20 n^o 14.

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pat : 8. E. 4. pars.
1. m : 1.
pat. 24. H. 6. pars.
2. m : 16. et 26.
H. 6. pars. 1. m : 6.
Camden in Ireland
76. D. et. 80. C.
cart : 21. 22. 23. et
24. H. 6. m. 26.
n^o. 46 et membr. 44.
cart. ab anno. 25
vsque 27. H. 6 :
n^o. 9. m. 7.
carta in castro
de Berkeley.
petitio in Canc.
15. E. 4. pars. 1.
pro Wenlocke.

wicke, except the twenty two marks rent in fframpton upon Seavern and ten pound rent in Slimbridge, (now called Sages manor;) And to the said James and the heires males of his body they awarded the manors of Came, Hinton, Slimbridge, Hurst, Portbury, and all the other lands then in controversy in those places; And that each party should make to other such further assurance thereof as the s^d two Judges, ffortescue and Yelverton, should devise.

carta in castro de
Berkeley.

The said Judges fifteen months after, in July in the 27th yeare of Henry the sixth, did for further assurance mutually to bee made each party to other, further award; That all the said parties should labour instantly to the parliament then in being, That an act might bee had for ratifying their former award; But if the same
518 could not bee procured, Then either party to make to other such security and discontinuances, for to take away all entryes by either party, as they the said Arbitrators hereafter should further devise.

Against this award this lord James much opposed, neither would by any meanes at any time bee drawn to give assent thereto during his life, much less to labor for the parliaments ratification thereof, as was by the Arbitrators directed.

On the other part as great violence was used to enforce him to the performance of that award as law or greatnefs could cast upon him; which storms to avoid, hee was enforced to keep home and to man his Castle with some strength, for his defence and preservacōn: And his sons being also imbroiled in many troubles, kept close with their father: And the good lady Isable his wife was by meere necessity inforced to travell to London, And to become the sole Sollicitor of her husbands law causes; from whence let us hear what that vertuous lady did and howe her husbands causes proceeded, by a tre of her own hand remaining in Berkeley Castle in these words.

**To my right worshipfull and reverend lord and husband
bee this lre delivered.**

Right worshipfull and reverend lord and husband, I commend mee to you with all my whole hart, desyring alwayes to heare of your good wellfare, the which God maintayne and increase ever to your worship. And it please you to heare how I fare, S^t Squall and Squall; Thomas Roger and Jacket have asked surety of peace of mee, for their intent was to bringe mee into the Tower, But I trust in God to morrow That I shall goe in bayle unto the next Terme, and soe to goe home And
then

then to come againe ; And Sur I trust to God and you will not treat with them, but keep your own in the most manlyest wife, yee shall have the land for ones and end : Bee well ware of Venables of Alderley, of Thom Mull and your false Counsell ; keep well your place, The Earle of Shroesbury lyeth right nye you, and shapeth all the wyles that hee can to distrusse you and yours, for hee will not meddle with you openly noe manner of wise, but it bee with great falsdome that hee can bring about to beguile you, or els that hee caused that yee have so fewe peopull about you, then will hee set on you, for hee faith hee will never come to the king againe | till hee have done you an ill turne ; Sur your matter speedeth and doth right well, save my daughter costeth great good ; At the reverence of God fend money or els I must lay my horse to pledge and come home on my feet : keep well all about you till I come home, and trete not without mee, And then all thinge shall bee well with the grace of the Almighty God, who have you in his keeping : written at London the wednesday next after whitfunday. 519

Your wife the lady of Berkeley

This lord James hereupon borroweth twenty two markes of M^r Nicholas Pointz, whereof to repay twelve marks on midfomer day following, and the other ten markes on Michaelmas day after followinge ; for assurance whereof hee pawned to him one guilt masse booke, a chalice of Silver weighing eighteen ounces, A chesipull with stoyls and fanons of red fattin, three aubes, three amices, one white Autercloth with crosses of black silk therein, with one valence fringed sewed thereto, of red cloth of gold, one cloth of red palle to hange afore an aulter of the fame, an other cloth of the fame for a reredote, and two ridles of red tartryn.

carta in castro
de Berkeley.

Hereby this family seeth the true fidelity of mariage in a just husband to a correspondent wife, who would rather seeme to disfurnish God of the ornaments of his worship, then leave her necessitous estate unsupplied.

And because this lady directeth her tre to her worshipfull lord, and wisheth increase to his worship, I will by a short digression comend to my reader the great honor and estimation of the word Worship, somewhat before, at, and somewhat after those dayes, and how sublime the acceptation thereof then was.

of the word
Worship.

1. In this time of Henry the sixth, bills and petitions in Chancery were directed unto my right worshipfull and gracious my lord of Canterbury, chancellor of England.

pat: 23. H. 6. pars.
2. m : 16.

2. When

claus : 8. H. 5.
m : 10. in dorfo.

2. **When** king Henry the fifth out of France, advertized the Duke his brother Custos of the Realme in his absence, the Arch-Bishops, Bishops and lords of his Counsell, of the peace hee had made with ffance, and of his mariage with the daughter of France, hee directed his tres, To the worshipfull and right worshipfull. |

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Rot. parliament.
31. H. 6.

3. The Earle of Devon having been acquitted of the treason whereof he was accused, complained at the next parliament in the 31th of Henry the sixth That false accusation did right nigh touch his worship, honesty, and truth.

Rot.indic. 1. H. 4.
in turre.

4. **In** the first of Henry the fourth It was adjudged in parliament That for their offences the Dukes of Aumarle and Exeter, the Marques Dorset, and the Earle of Gloucester, should loofe their names and the worship thereof.

Rot. parliament.
5. H. 4. m : 16.

5. Henry Percy Earle of Northumberland in excuse of the crime objected, did by his petition pray the kinge to have in remembrance his coming into his worshipfull prefence to Yorke, of his own free will.

Rot. parlia : 7.
H. 4. pars. 2.

6. In the seaventh of Henry the fourth, S^r Henry Boyton was authorized to treat with the worshipfull prince, Robert the king of Scotland and his Counsell.

Rot. parliament.
27. H. 6. articl : 18.

7. In the twentyseaventh of Henry the sixth, it is ordered in parliament, That Wilm Earle of Arundle shall have his place as worshipfully as any of his Ancestors Earles of Arundell.

claus : 4. H. 6.
dorfo.

8. In the fourth of Henry the sixth the Earle of Huntingdon, touching the payment of his ranfom, fwearas by the truth of our lady and our worship, and in word of true knight, That &c.

Caxton. fol : 316.

9. I John Trevifa, vicary of Berkeley, at the request of the right worshipfull lord Thomas lord of Berkeley, have translated Polichronicon out of latin into English, &c. Anno : 1357, in the thirtyfirst of Edward the third.

Caxton fol : 317.

10. In the thirty sixth yeare of Edward the third Anno : 1361. came into England the three kings of France, Cipres and Scotland which were worshipfully received.—~~These~~ ten from more then one hundred the like, in these times observed by mee, suffice in this digression. |

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bill in Canc.
6. E. 4.

Nowe what followeth within three monthes after this ladies tre, read out of a bill in Chancery exhibited by Wilm lord Berkeley, son of this lord James, against the

the said Margaret Countess of Shroesbury ; wherein hee sets forth, That the sixth of September in the said thirtieth year of Henry y^e sixth, The said Countess and her husband being then unjustly seized of the manors of Wotton, Symondsfall, Cowley, the warth, newleyes, and Sages lond, by their subtile and damnable imaginations, labored, intreated and hired one Rice Tewe, being then servant to the lord James, to deceive and utterly to destroy him the said lord James and his sower sons, Wittm, James, Maurice, and Thomas, then being in the Castle of Berkeley with the said lord James their father : which said Rice, having the keeping of the keys of the said Castle, early in a morning let in the lord Lisle, son to the said Earle and Countess, with great numbers of people warlike arrayed, And there tooke the said lord James and his said sower sons in their beds, and there kept them in prison in great dures by the space of eleaven weekes, by the commandment of the said Countess ; they by all that time knowing noe fuerty nor certainty of their lives, but ever awaiting the hour of their cruell death : And there the said Countesse compelled and cohorted¹ them to enseale certaine Indentures of Covenants against all right and conscience, And after enforced them by might to reherse the matter contained within the said unlawfull Indentures, to such persons as were assigned by the said Countesse, to their great sorrow and heaviness : And the fourth day of November then next following in the said thirtieth yeare of Henry the sixth, the said Countesse made the said lord James and his said sower sons to bee brought to the gray fryars at Bristoll, with great multitude of people warlike arrayed, with force, And there brought to them the Maior and Constable of the Staple, And there by Dures, compelled them to bee bound in divers severall obligations and recognizances of the Statute of the Staple in twelve thousand two hundred and fowerscore pounds to the said Earle and Countesse ; At which time they did as they were compelled, for soe much as they durst none other doe, for dread to bee murdered by the said Earle and Countesse and their fellowship : And after that they were carried by the said Earle and Countesse and their said riotous fellowship unto the said Castle of Berkeley, and there kept still in ward, unto the time that | the said Earle and Countesse, at that time being in soe great favour with the Kinge, purchased an oier determiner, granted before certaine of the kings Justices and Comissioners at Circester ; At which time the said lord James and his said sons were brought thither by force, And there by Dures compelled to answer to actions of trespass brought against them, and to plead such pleas before the said Judges and Comissioners as the said Earle and Countesse and their Counsell advised and ministered unto

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¹ *Coarted*—compelled, forced. "Dyues by dethe was strayteley *Coartid* of his lyf to make a sodeyne translation."—*MS. Land*, 416, f. 101. See Bayley, Ashmole's Theat. Chem. Brit. p. 276, Halliwell. [ED.]

unto them : And also the said Earle and Countesse compelled them there to make and enseale severall releases of all their right and title that they had or might have in the said manors, and all other actions, and to knowledge them to bee inrolled of record, which they did for fear of their death : Soe the bill.

Answer in Canc :
6. E. 4.

Nowe heare what answer the said Countesse in her own words likewise maketh :
That Thomas lord Berkeley grandfather to her the said Countess was seized of the said manors of Wotton, Simondfall, and Cowley, (amongst others,) of a generall estate tailed to him and the heires of his body cominge, and of such estate of the said manors dyed seized ; After whose decease the same manors disceded to Elizabeth his daughter and heire, who entred, and tooke to husband Richard Earle of Warwicke, and by him had issue her the said Countesse and her Copertioners ; And that after the death of the said Elizabeth, The said Earle of Warwick held him in as Tenant by the curtesy of England, And dyed thereof soe seized ; After whose death the Earle of Shroesbury and shee his wife and her copertioners, as daughters and heires to the said Elizabeth, into the same manors entred, and thereof was seized by force of the 1st Entayle, unto the time that Willelm Berkeley by the assent, commandment, agreement, and will of the 1st lord James his father, (which at that time kept within the Castle of Berkeley a great number of right riotous, unlawfull, and evill disposed people, aswell in felonies, as ryots, affrayes, and other misgovernances, and unruly demeanings amongst the kings leidge people,) and there assembled to them a great multitude of such misgoverned people arrayed in manner of warre,
 523 the said Earle of Shroesbury (late lord and husband | to the said Countesse) then being in Normandy upon the safeguard of the dutchy of Normandy, ryotously came to the said manor of Wotton, and entred into the same, And the gates and doores of the said manor they brake, and all to hewe and cutt the great and principall timber of the roofes and galleryes, and other nefesaryes sawed and cut in two, The walls, vautes, quines of doors and windows they razed and tere a down, The ferments of iron in the windows, hingingys for doares and windows, gutters and condutes of lead, aswell upon the houses as under the earth, they brake and beare away ; And the said manor of Wotton in all that they could defaced and destroyed, infomuch that the reparations thereof cost the said Earle Countesse John viscount Lisle and their servants then there being, to the valewe of fower thousand markes, dispoiled, robbed and beare away ; And upon the which ryot and robbery the said Earle of Shroesbury sued an oier and determiner ; And at a Session holden at Glouc : by force of the said oyer and determiner, the said James lord Berkeley, Willelm his son and other were indited ; But the said James, Willelm and the other,
 allwayes

allwayes intendinge the continuance of their mischeevous rule and governance, continually enforced them and kept them within the said Castle of Berkeley, which is a stronge and mighty place, Soe that the Sherife nor none other officer of the Shire of Glouc., might not in any wise execute any precepts against them : And right oftentimes they issued out of the said Castle, and beat robbed and dispoiled many of the kings leidges of that Country, And when they or any of them had done such a mischeevous deed, they allwayes reforted into the said Castle, and there were received, defended, and kept, and all that they might rob and pill brought into the same : whereupon the people of the said Country came to the said Viscount Lisle, then being one of the Justices of the peace in that County, and in great number full piteously and lamentably complained to the said viscount of the heinous and mischeevous governances aforefaid, beseeching him to put himself in devoure for their remedy releefe and succour in this behalf ; And the said viscount, intending to reforme that abhominable misgovernance, bade the people enquire and espye secretly when any of those theeves and robbers or any of their maintainers were about | ryot and robbery, and hee would assay to take them, and bringe to an answer after the kings lawes : And on a night the same Wiltm Berkeley sent twenty of that same mischeevous men to a Tenants house of the said Earle of Shroesburies called Richard Andrewes, which was a blind man, dwelling from the said Castle ten miles, to rob the said Richard Andrews, whereof the said viscount had warning that such a fellowship were issued out of the said Castle ; And hee tooke a company with him and rode into the Country to assay if hee might meet them ; And of the Country that had been evill treated before by the same Wiltm and his felyship followed them, till they had beset the said blind mans house, And as hee went homewards againe, hee fortun'd to meet some of the said viscounts serv^{ts}, and told them how it was, And then the said viscounts servants sent the same man to their master to tell him thereof ; And they rode straite in all that they could or might thither as the theeves were, to rescue the blind man if they might, And yet ere they came thither, the Theeves had gotten the house and all the people that were therein, and had upturned every place of the house : And for cause they found but litle good in substance, they tooke a brand iron and set it on the fire till it was glowing hott, And then they tooke the blind man and would have set him upon it, for hee would bee a knowe of noe more good, And through that dread that they foe-put him in, hee told them where his good was, and limetted them a place under earth in the same house, wherein they had in money coined as the same blind man did swear and avowe before them, two hundred and fowerscore pounds : And even as they were departing out of the said house, the said viscounts servants set upon them, and
with

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with right great and fore fight tooke divers of them, amongst the w^{ch}, the foresaid
 Rice Tewe was one; And the said Rice in savation of his life offered to them that
 had taken him to get them into the said Castle, soe that they might take the residue
 of the said riotous misgoverned and endited people; And streight they rode to the
 said Castle, And wⁿ they come to the Castle gate Rice called upon the watch, And
 anon the said watch went to the said lord James who had the keys in his own keep-
 525 ing, And hee them delivered to one Thomas fleshewer then being | yeoman of his
 chamber, who came and opened the wicket gate of the Castle, And the servants of
 the viscount Lisle entred to take the said misgoverned men, And tooke the place
 without any hurt or misdoing to any person; And faithfully, otherwise then thus
 was never the said Rice hired entreated or desired by the said Earle Countesse nor
 none other person for them, nor had noe keeping of the keys of the said Castle:
 And further faith, that after shee came into the said Castle of Berkeley where shee
 found the said James and his said sower sons, they nor none of them neither were
 imprisoned nor indureffed nor coarted to make seale declare plead nor confesse, the
 Indentures obligations pleas releases before reherfed, nor noe parcell thereof; but
 were suffered to bee in the said Castle at their large, And had their learned Counsell
 and all other their frends and servants continually repairing and attending upon
 them at their pleasures: And then they considering amongst them the great ryots
 offences and trespasses in breaking dispoiling and robbing of the said manor of
 Wotton, and other divers abhominable deeds which they had done to the said
 Earle Countesse, visc^t, and others, whereof of part they were indited, and con-
 sidering also the great and huge costs which they diversly put the said Earle and
 Countes too through their misguiding, and also the great punishment which they
 understood they had deserved after the due course of the lawe, likely upon them
 to ensue and fall, by the advice of their said learned Counsell and of their own
 frends, freely offered to the said Earle and Countesse, the said lands and Tenements
 called the warth, newleyes, and Sagisland, To have to them and their heires for
 evermore, And made thereof as good estates as could bee devised by the Counsell
 of both parties, and more liveries accordeinge, and one thousand pounds in money;
 wherefore suretie was made before the Maior and Constable of bristoll aforesaid,
 in recompence of the ryot beating down and defacing the manor of Wotton afore-
 said, and dispoiling and bearing away their goods aforesaid: And to the said viscount,
 they offered two hundred pounds for the stealing and bearing away of his goods
 there, which drewe in value better then seaven hundred markes; for the payment
 526 of which fums they made severall obligations | before the said Maior and Constable
 of the Staple of Bristoll; And over that the said lord James and his said sons, by
 the

the advice of their said learned Counsell and frends, offered to the said Earle and Countesse to remit, releafe and extinct to the said Earle and Countesse and her Copertioners and their heires, all such title interest and clayme as they had, might, or pretended to have in the said manors of Wotton, Simondfall and Cowley, and to make it fure to the said Earle Countesse and her copertioners, as the said Earle and Countesse counsell should devise, And made there oath in forme aforesaid ; for the performing wherof the said lord James and his said fower sons bound themselves their heires and executors to the same Earle and Countesse in the fume of ten thousand pounds: And all these things aforesaid were offered by the said lord James and his sons, they having with them their frends and their learned Counsell, without any Dures constraint coartion or quarrell by the said Earle and Countesse, or of any person on their behalfe, other then is as aforesaid. **Thus** the answere.

Habinge heard the complaint and defence of both parties, who indeed in their own cases are partiall, Take the truth from him that partakes with neither party ; Thus,

This lord James and his fower sons with him, are in the night time the sixth of September in the thirtieth of king Henry the sixth, by the falshood of Rice, surprised in their Castle : And forthwith a Comission of Oyer and terminer is sued forth of the Chancery directed to Judge Bingham, Willm Lucy, and others : The first session whereupon, is at Campden in the remotest part of Gloucestershire, five and thirty miles from Berkeley, upon the fourth day of October following, w^a the said three lady Copertners and their husbands put in their declaration against this lord James and his fower sons, Willm, James, Maurice, and Thomas, grounded upon the Statute of the fifth of Richard the second, for forceibly entringe into their manors of Wotton, Simondfall, and Cowley ; And prayed proces of Attachment to bring the Def^t to answer at Cirencester against the ninth of December following.

At this time this lord James and his said fower sons, (being prisoners | in the power of as angry a lady as I have observed in all my readings,) were between the said two Sessions enforced to seale twelve severall deeds, dated on the 8th 12th 20th and . 26th days of October ; whereof **One** was a lease for two years to the said three lady Coperceners and their husbands of the Castle of Berkeley ; Saving therein habitacon and housroome for themselves and six servants ; **Others** were deeds of Covenants to make fure to the said Coperceners their said three manors, And that neither this lord James nor his sons should sue, implead, vex, greeve, nor trouble, the

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Bancus reg. 30. H.
6. rot. 40. 41.

carta in castro de
de Berkeley.

the said ladies nor their husbands by the law nor otherwise, nor none of their servants, adherents, nor Counsellors, but should bee their true cozens, faithfull men, and servants; with an obligation of ten thousand pounds to perform the same; **Others** were releases of all their rights and interests in the said three manors of Wotton, Simondsfall, and Cowley, with generall warranties, and of all actions and appeals, made to them and to eighteen of their servants and kinsmen: **One** other deed was in the nature of a bond of seaven hundred markes for payment of two hundred markes to the said viscount Lisle, in recompence and satisfaction of divers trespasses and wrongs done to him by the said Wistm Berkeley, in riotously taking away his goods out of the manor house of Wotton, to the valewe of seaven hundred markes: **And** one other was a feoffment of the manor of Sages the Warth and Newleyes to the said lady Margaret and her heires, in part of recompence for horrid great trespasses and wrongs done to her husband by them and their riotous people, in takinge away the value of two thousand pounds of the said Earles goods out of Wotton; And a releese of the said manor and lands accordingly.

And, the 4th of November following, were by an Armed band of men carried to the gray ffryars to Bristoll, whither John Stanley, then Maior, was sent for; And there before him constrained to acknowledge three Statutes, whereof one of ten thousand pounds, defeizanced by an Indenture between the parties, That if this lord James and his said fower sons should performe all feoffments and grants, and should keep all covenants and promises made between the said parties, Then the same to bee void.

carta in castro de
Berkeley.

The second Statute was of two thousand pound to the said viscount Lisle. And the third Statute was by the said Wistm and James his brother alone, of two hundred pounds absolute without any defeizances; which done, Then were this lord & his sons hurried back to Berk^y with the same rout y^e caryed y^m to Bristoll. |

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And on the ninth of December followinge, this lord James and his fower sons were againe carried from Berkeley to Cirencester, the day and place for the second sittinge upon the said Comission, where in their own persons, (not by Atturney,) they plead, not the generall issue, but their title at large as heir male under the said syne of the 23th yeare of king Edward the third: **Upon** which day also cometh in the barre, replication, reioynder and surreioynder; whereupon issue being joyned A venire facias is the same day awarded to the Sherife to returne a Jury against the next morninge: **The** Jury are returned from many the remote parts of the County,

And

And fomoned, (as may seeme,) and appeare, And the same morning try the issue ; And find the entayle made in the time of Henry the third to Maurice lord Berkeley the second of that name and to Isable his wife and to the heires of their two bodies, according as was laid down in the Inquifition of the 18th of king Henry the fixth, after the death of Richard Beauchamp Earle of Warwicke : And affesse damages to one hundred pounds, and costs of sute to twenty pound, which the pl^{ts} forthwith remit to the said lord James and his sons, two of whom at this time were under eighteen years of age.

Esch : post mort.
marchion Berke-
ley. 8 : H. 7.

Judge Bingham lived twenty eight years after these irregular proceedings, yet never could certify this record thus taken, in all his life time : But the same was certified by his widow upon a writ of certiorare to her directed in the fourth of king Henry the seaventh, as the record it self sheweth : whereby may bee gathered that hee held the shufflinge fowle, howsoever the dealing might seeme faire before him.

Esch : in Com.
Wilts 20. E. 4. post
mort. Bingham.
fine roll : 20. E. 4.
m : 14.

This lord James is not yet foe freed but another Inquiry upon the like Comission is at Glouc., where this lady and wife following her husbands buisines as Sollicitor, found worfe successe, as a petition by her son Willelm exhibited to king Edward the fourth in the fourth of his raigne shall declare in his own words. viz^t **That** the Earle of Shroesbury and lord Lisle beinge of Counsell and singular favor with king Henry the fixth, by that support and favor the Countesse his wife came to Glouc., And there caused an Inquiry by her own men, and strangers, upon the oyer and terminer, and there against all right and conscience, his said lady and mother tooke and imprisoned in the Castle of Glouc. ; And by the said support and favor her there kept, Soe that by lawfull proceffe nor | otherwise shee might not bee delivered, till shee was dead in the most piteous wife that ever was lady of her birth, beinge descended of your high blood : And further that the night of the said enquiry, the servant of one Lacon murdered his said master, who longe time had been greatly cherished of him, who beinge for that murther taken and adjudged to death, confessed hee was tempted to murder his master for his untrue dealing in the said enquest : **And** that the said Countesse stood foe high in that kings favor, y^t shee feared nothing to doe, were it never foe unlawfull ; And how shee tooke the lord James his father, himselfe, and his brethren, and carryed them to Cicestre, And they were plainly told by the said Countesse, that if they would not in each thing do as they were required, they should plainly dye : whereupon to their great heaviness they did whatsoever they would, how prejudiciall so ever to their inheritance and contrary to all right and conscience : **And** setteth out further, how shee the said Countesse

Bill in Canc :
4. E. 4.

Shee was great,
great grandchild
of Tho : Brother-
ton son to king
Ed : y^e 1st
529

Countesse put the people of the County to fine and ranfome at the utterance of their goods, And they that might not bere, shee caused them by the members to bee hanged : And that shee afterwards caused James and Thomas his brethren to goe beyond seas with her husband, where James was slaine, and Thomas taken prisoner and put to synance to him importable : **And** that afterwards the said Countesse for two years kept the said lord James his father out of his Castle of Berkeley, and all the tenancies and lordshippes thereto belonging utterly wasted. **Thus** hee :

carta in castro
de Berkeley.

The 29th of September following in the 31th of Henry the sixth the said Countesse drew from this lord James and his sons one other Indenture, whereby it was of newe agreed, That if this lord James and his said sons would sue a writ of Attaynt of the said verdict given at Cirencester in an Inquiry between the said parties, And the same Attaint pursue with effect without nonsute or discontinuance, And plead not, nor evidence challenge, nor any other matter, but such as shall bee devised by the said Earle, the lord Lisle, and their Counsell, ne nothing doe ne labor, ne procure to bee done ne labored, but by their said advise, That then the said Earle, nor lord Lisle his son, will take noe benefit ne advantage against the said lord James nor his said sons by way of forfei | ture of the bond of ten thousand pounds dated the 8th of October last which they had of them, but thereof, every of them to be discharged and pardoned.

Rec : 31. H. 6.
super extent
statu.

And the more to quicken this lord James and his said sons, in the short dispatch of this plot, the second of October following (being the third day after) was the said statute of ten thousand pounds, (acknowledged the fourth of November before,) extended upon the lands of the said lord James, by James Clifford then Sherife of the County ; whereby all his manors and lands, (perticularly named and valued,) are taken from him, both in this County of Glouc. and also of Somersset : And proces is sued out against all their persons also, whereby now was left to this lord James and his said sons neither lands nor liberty.

pasch : 31. H. 6.
in banc : regis. rot.
et in falacijs ibm.

Camden in Shrop-
shire pag : 598. E.

Whereupon the attaint goeth forward, And upon a tryall the Jury find, That the former Jury at Cirencester had made a good and lawfull verdict in all that they had said : Howbeit by reason of the death of the said Earle, and lord viscount Lisle, and of James son of this lord James, no Judgment was after entred upon the said verdict : And this Earle is that noble soldier of whom the ffrench made the proverbe, The Talbot comes, And wee called our English Achilles ; And was buried at
Whitchurch

Whitchurch with this Epitaph, orate pro anima prænobilis domini D. Johis Talbot quondam Comitis Salopiæ, marischalli franciæ, qui obiit in bello apud Burdeux. 7. Julij 1453. Anno. 31. H. 6. And was created the first Earle of Shroesbury of his name of Talbot in the one and twentieth of King Henry the sixth; As his eldest son by the said lady Margaret his second wife, was in the 23th of Henry the sixth, viscount Lisle, as hath been said.

Inq : capt. apud Wenlok in Com. Salop. obiit. 20. Julij.

To deliver the exceptions which upon the later tryalls in the time of Queen Elizabeth were by the lord Berkeleys Counsell, (when time and diligence had ripened their knowledge,) taken to the foresaid Inquisition of the 18th of Henry the sixth, after the death of the said Earle of Warwicke; And to the said award of the 27th of Henry the sixth; And to the said action upon the statute of the fifth of Richard the second; And to the said attaint thereupon brought in the 31th of Henry the sixth; And to the foresaid twelve deeds made and acknowledged as aforesaid; would alone require like leaves to this lords life; for these were the principall pillars and suporters of the adversaries title, and the places of retreat to which they ever fled and trusted; wherein I had the honor to Collect y^e breviats for Counsell, which now sleep in peace amongst the other evidence of the now lord George at Berkeley Castle; which upon reading hereof, hee may perhaps bee moved to awake and read, when this hand of mine w^{ch} thus seemeth to glory in the remembrance of its own labors, is turned into dust. 531

Doubtles the inrodes and spoiles that each party and their followers made each upon others lands and tenants, as the lord Lisle into Berkeley, Hame, Alkington, Hurst, and other manors of this lord James's: And the lord James and his sons into Wotton, Payneswike, Whaddon, Moreton, and other manors of the said Earle and Countesse and lord Lisle their son, in the same County, produced the ill effects and destructions of a petty warr: wherein the burrowe Town of Berkeley, for her part, sawe the burning and prostration of many of her antient houses, as her old rent which till that time was—22^{li} by the year and upwards, and by those devastations brought down to eleaven pounds and under, where it sticketh to this day, without recovery of her antient lustre or greatnes.

Comp : ministroꝝ temp : H. 5. H. 6. et. E. 4.

These unjust incursions and depredations thus reciprocally retorted each upon other, made both parties fly to the king for pardons, the easier to wind out from the justice of the lawes: Of which sort this lord James for his part, had one the tenth of July in the fifteenth of Henry y^e sixth; And an other the third of July in the 24th of

Rot. pdon : 15. H. 6. m : 12. pat. 28. H. 6. ps. 1. m : 10. Rot pdon. 24. H. 6. m. 41. claus : ibm.

Rot. pdon. 30. H.
6. m. 25. et. 32.
pat. 30. H. 6.
pars. 1. m. 14.
Rot. pdon : 36.
H. 6. m. 27.
Rot. pdon : 36.
H. 6. m. 27.
Rot. pdon: 1. E. 4.
m. 41. et al.

24th of Henry the sixth ; And an other the 22th of November in the 28th of Henry the sixth ; And an other the twentieth of July in the 30th of Henry the sixth ; And an other the 20th of November in the same thirtieth yeare ; And the like at the same time to Wittm, James, Maurice, and Thomas the fower sons of this lord ; And an other the first of November in the 34th of Henry the sixth ; And an other the tenth of January in the 36th of Henry the sixth, and to Jone his wife ; And an other the sixth of February in the first of Edward the fourth ; And some others. |

532 And the lady Ifable his wife had her pardon also, dated the 29th of May in the thirtieth of Henry the sixth, not longe before shee was murdered at Glouc., as hath been said.

pat: 30. H. 6. pars.
2. m: 15. 22.

And the said Earle of Shroefbury and Countesse his wife, and lord Lisle their son, had as many pardons or more, which sufficiently shew the ill humors where-with either party abounded ; And besides also the fifteenth of July in the thirtieth of Henry the sixth, the said Earle wrought with the king to take them for their persons, lands, tenements, goods and chattles in his protection, And to free him the said Earle and his sons from all mens actions and futes espetially duringe their absence in France.

Term: Michis. 27.
H. 6. rot. 25. in
scacio cum rem
thesaur.

In the 27th of Henry the sixth, this lord James, by the putting on of his adversaries, was called into the Exchequer to answer the meane rates of the manors of Slimbridge, Hinton, Came, Cowley, Wotton and Simondsfall, from the last of Aprill in the 17th of Henry the sixth, (on which day the Earle of Warwicke dyed,) untill the finding of his office the year after ; in which record, the severall titles of the said Earles heires are laid down against the lord James, as in the said office they are found.

This lord James in discharge thereof, doth not plead his title as heire male to his uncle by force of his grandfathers entayle, as hee might well have done, though with a longer plea and more charge ; but taketh a course more speedy and of less cost, espetially against the king himself, And pleadeth his Maties pardon to him granted the third of July in the 24th of his raigne, as afore is mentioned, And so avoided the charge :

This record, I remember, was at a tryall in the Comon pleas in y^e 39th of Queen Elizabeth strongly urged by the Counsell of Anne Countesse of Warwicke, widow,

widow, then demaundant, in a writ of pertition against Henry lord Berkeley, tenant for the third part of the said manors of Slimbridge, Came and Hinton, as being, (in their opinion,) unanswerable; for that this lord James had himself therein waved and departed from his own title of heire male, confessing thereby as was inferred, the right of the title to bee on the other side in the heire generall: whereto, as the allegation of the record was fodaine, (for it was then unknown to the Counsell of the lord Berkeley,) old Serjeant Harris, of Counsell with the lord Berkeley, | gave this fodaine answer; If the lord James had done otherwise, hee had done foolishly: for who will refuse the benefit of Gods blessings and the kings pardons; And having two ways to discharge himself, hee tooke the best cheap and speediest course, espetially against the kinge; which blunt and present answer seemed to sattisfy the Court. 533

And upon a second putting on of his adversaries in the same Court, of another sute in the like nature for the meane profits of the manor of Portbury and other lands in the County of Somerset, whereto an untrue Inquiscion had entituled the Coheires, found by them in the 18th of Henry the sixth, as is afore rehearsed, This lord James out of the same reasons pleaded an other of the kings pardons granted to him the 22th of Novem^r: the same yeare.

Michas: 28: H. 6.
rot. 23. in sc^acio.

The Earle of Shroesbury being (with his son the lord viscount Lisle) slaine in France as is before declared, The time of his widdows mourning for the losse of such an husband and son, gave to this lord James and his two sons Willm and Maurice, left at home with him, some reasonable time of breathing, yet not free from as great sorrow, for that James his second son was slaine with the said Earle in France, and Thomas his youngest son at the same time taken prisoner by the French in that overthrowe; which also on the part of this lord James and his family was the more redoubled through the unnaturall discord that at this time ranckled between the said lord and his eldest son S^r Willm, which also seemes the more to fester by the jealousyes infused by a stepmother the lady Jone, whom this lord James had not longe before maryed, by beating upon y^e weake pulse of her husbands old age: which intestine diffention had not a little advanced the affaires of the adverse parties for divers of y^e late years.

Howbeit the twentieth of August in the 38th of the said king Henry the sixth, the father and son came to an agreement under their severall seals of Armes, upon these ten capitulations: first that the said S^r William should not henceforth greeve

carta in castro
de Berkeley.

1.

vex

- vex nor trouble the said lord James his father, nor any of his servants Counsellors or tenants of any of his Lo^ds manors in Gloucestershire, by lawe nor otherwise :
2. **That** hee should not support nor favor noe persons that his said father shall put out
 - 534 of his | service : **That** the said Wittm shall keep the peace against his said lord father
 3. and his servants duringe his life, but provided that neither his fathers nor his servants should give no occasion of provocation to the said Wittm or his servants :
 4. **That** the said Wittm should bee at large in all matters against Thomas Mill and
 5. John Poyntz, except the said James own matters : **That** the said Wittm shall not come into the lordship of Berkeley, (for hee now dwelt at Portbury,) with more persons then ten by day or night duringe the life of this lord his father without his
 6. leave : **That** hee and they so coming shall come peaceably, and send word to his father of their coming half a day before hand, but not to stay at any their comeings
 7. above feaven dayes : **That** the said Wittm shall not alyen, nor feoffment make of
 8. the manor of Portbury nor of any part thereof : **That** if the said lord James sue any
 9. person by lawe, the said Wittm shall bee with him in such sute lawfully : **That** for the obervance of these Covenants the said Wittm shall enter into a Statute at Bristoll of one thousand pound to his said father, And then hee will amit and
 10. receive him as his son and heire to his favor and good faderhood : **And Lastly** that none of those seaventeen servants of the said Wittm, (mentioned in the schedule to this Indenture annexed,) shall at no time come within the manors of the said lord James in Gloucestershire, but as strangers to baite and goe their way : **And** the like in effect, both Covenants and Statute from this lord James with his said son Wittm, mutatis mutandis, whereby they purged the soure leaven of one the others family : which disagreements between this old lord and his said son seems also to have drawn ill nourishment from a disobedient lease which this Wittm, three years before against his fathers mind, had made of his manor of Portbury to James Earle of Wiltshire and of Ormond for twelve years, contrary to Williams promise as it seemeth ; when his said father in the 18th of that king Henry the sixth, had for his better maintenance, granted the same for his life ; **To** the demisinge or sale whereof, this good old lord was the more averse, because it was the first land his Ancestors had ever purchased in England. |

carta in castro de
Berkeley dat. 15.
Maij. 33. H. 6.

carta in castro de
Berkeley dat. 5
Maij. 18. H. 6.

535

His rewards to servants.

Noe lord from Harding the Dane had more use for men, and wise men, then this lord James, from his first age of discretion to the houre of his funerall, and consequently more use for bounty to tye such men to his affaires: Howbeit, whether it was his shallow purse, never halfe full, or whether the memory of his liberalities have perished with time, I have only observed these. viz:

In

In the third of Henry the sixth hee gave to Richard Venables one of his Esquiers, an Anuity of ten marks yearly out of his manor of Hurst for his life; And also let to him the Scite of the said manor called Hurst Farm at sixteen marks rent, which is the old rent to this day . 1624. carta in castro de Berkeley.

In the seaventh of that king, hee and the lady Ifable his wife gave to Nicholas Stanshawe, for the life of the said lady, the manor of ffelekenhoe in the County of Warwicke, rent free, which this lord held in her right. Esch : 11. H. 6. post mort. Johis. Mowbray.

In the 11th of the said king, hee gave to Elizabeth Ithell for her life, an Anuity of fourty shillings by the year, for the paines shee had taken in nursing of Withm his eldest son, and an house in Berkeley rent free. carta in castro de Berkeley. comp: rec: 18. H. 6. in castr: de Berk:

In the 19th of the said king, hee gave to John Grevill, one of his Esq^s, for his life, an Anuity of—4^{li} 6^s 8^d by the year, out of his manor of Alkington, and two pasture grounds called cowmoor and hurdham in the said manor, of like value. carta in castro de Berkeley.

In the twentieth of that king, hee gave to John Phillip ats Morgan, for his life, an Anuity of twenty nobles by the year, whereof three pounds out of his manor of Appleridge, And—3^{li} 6^s 8^d out of Clapton, And—6^s 8^d out of Hame. carta in castro de Berkeley.

In the same 20th year, hee gave to John Dunstable for his life, an anuity of fourty shillings by the year, out of the warth and new leyes in Slimbridge. carta in castro de Berk :

In the same year hee gave to John With for his life, an Anuity of fourty | shillings by the year, out of the said warth and new leyes. carta in castr : de Berkeley. 536

In the 21th of the said king, hee gave to John Biford, for his life, an Anuity of forty shillings by the Yeare, out of the said warth and new leyes. carta in castro de Berkeley.

In the 23th of that king, hee gave to William May for his life, an Anuity of forty shillings by the yeare, out of culver feild in Alkington. carta in castro de Berkeley.

The same yeare hee gave to Gilbert Johnson for his life, an Anuity of forty shillings by the year out of the said feild. carta in castro de Berkeley.

In the 33th of the said king Henry the sixth, hee gave to George Pullen, one of his Esquires, for his life, an Anuity of fourty shillings by the yeare. comp. de Portbury : in castro de Berkeley. 36. H. 6.

In

carta in castro de
Berkeley.

In the 34th of the said king, hee gave to S^r Walter Deverox for his life, in consideration of his service, an Anuity of twenty markes by the year out of his manor of Hinton.

Comp; de Berkeley
37. H. 6. in castro
de Berkeley.

In the 37th of the said king, hee gave to Thomas Holt Steward of his house, for his life, an Anuity of fourty shillings by the year, out of the new Inne in Berkeley. To know more I have not attained.

**His miscellanæ or various passages not properly reduceable under
any the former titles.**

This lord James of all his forepast Ancestors from Harding the Dane, and of all his posterity to George lord Berkeley that now is, in minority, stands single in his generations from wearing Armes in any martiall voyage, abroad or at home.

Polichron: fo. 313.

Caxton. cap: 248.
fo: 335.

claus: 1. H. 6.
m: 19. in dorso.

In the 4th of Henry the sixth, the Duke of Bedford, Regent of France and uncle to the kinge, returned into England; And on whitsunday at Leicester dubbed the king knight; And forthwith after, the king dubbed kn^{ts} many Dukes, Earles, and lords, Amongst whom, this lord James was one, as those historyes say; After which time hee always assumed into his stile, the title of knight; Howbeit I have already truly shewed him to bee written, Jacobus de Berkeley chivalier, three yeares before this time. |

537
carta in castro de
Berkeley.

In the 7th of Henry the sixth, this lord James borrowed nine hundred marks of John Merbury of Hereford Esq; for repayment whereof hee mortgaged to him his manors of Portbury in the County of Somerset, and of Alkington in the County of Glouc., And besides gave his Statute acknowledged at Bristoll for repayment of the said money.

Rot. parl: 11. H. 6.
m: 17.
pat: 12. H. 6. ps.
2. m: 29.

This lord James was at the parliament holden in the 11th of Henry the sixth, sworn with other lords not to keep or harbour any ryotous or notorious disorderly persons, nor to maintaine the quarrells of others, nor to conceive any displeasure against any Judge for doing his office and justice &c.

claus: 18. H. 6.
dorso.

The 30th of August in the 18th of Henry the sixth, the king sent to this lord his Comission in the nature of a patent of Leivtenancy, requiring him to make proclamation in the County of Glouc., for the peace of the Country to bee preserved, And to prevent all conventicles, unlawfully assembled, And to carry a watchfull eye to prevent

prevent ryotous congregations and affemblyes ; And if fuch appear to arife, to destroy them forthwith, leaft greater evill enfue.

In the 34th of king Henry the fixth, this lord James by his conge de lere, gave leave to the fifters and covent of Nuns of S^t Magdalens by Bristoll, to choofe them another prioreffe infted of Jone Waleis their late prioreffe, lately dead : **And** what more I have to fay of prefentations and matters of this kind made by this lord or his Ancestors to Abbyes, Nunryes, pryoryes, Chantryes, or the like religious places, of any of their foundations, I doe referr this pious family to the life of their Ancestor the lord Thomas the fixth of that name, where they fhall read their losse in honor and profit, by that difmall and black Statute of the diffolution of monafteryes in the 31th of Henry the 8th and of others in his raigne.

carta in caftro de Berkeley.

fol: [699]

For the extraordinary Comiffions, befides thofe annuall of the peace, wherein this lord was often employed in divers Counties, As in raifing of money by lones for the king, takinge of mufters, Arming of Soldiers, appeafing of tumults and infurrections, and the like, thefe following records will direct to the principall of thofe I have obferved, none of which are before mentioned ; As : pat : 4. H. 6. pars. 2. m. 8. / pat. 6 : H. 6. pars. 2. m : 16. / pat. 7. H. 6. pars. 1. dorfo. / pat. 8. | H. 6. pars. 2. m. 3. / fin. 12. H : 6. m : 13. / fines. 14. H. 6, m. 20. / pat. 14. H. 6. m. 1. dorfo. / pat : 17. H. 6. pars. 1. m. 12. / fines. 18. H. 6. m. 12. 17. / pat : 20 H. 6. pars. 3. m. 22. et. pars. 2. m. 40. in dorfo. / fines. 28 H. 6. m. 6. / pat. 1. E. 4. pars. 3. in dorfo.

538

His wives.

This lord had three wives (if not fower) a good or ill hap that had not formerly befallen any of his Ancestors from Harding the Dane.

The firft was the daughter of S^t Humphry Stafford of Dorfetshire, whom by the direction of his uncle the lord Thomas, hee maryed in the third yeare of king Henry the fifth, with the portion of fix hundred marks, purfed by his faid uncle ; Shee dyed very young without iffue ; Howbeit an old breviat written about the 17th of Henry the 6th hath thefe words ; **Item**, Thomas late lord Berkeley aiell¹ to my lady Dorfet and her Coperceners, and uncle to James now lord of Berkeley, in his life, tooke the faid James for his heire of all the manors comprized within

carta in caftro de Berkeley.

vetus manuſcr: in caftro de Berk :

¹ Forefather—"To gyve from youre heires that youre aiels you lefte." *Piers Plowman*, p. 314. See Halliwell.

within the said fyne, And sold his mariage twyes for a thousand markes, and another time for one thousand two hundred markes : whereby it may bee gathered, That this lord James had a former wife to this.

His second wife, (if but three,) was Isable the eldest daughter of Thomas lord Mowbray, Duke of Norfolke, Earle Marshall and of Nottingham, (who was banished the Realme by king Richard the second, in which banishment hee dyed at Venice the 27th of Decem^r in the first year of king Henry the fourth,) and of Elizabeth his wife eldest sister and one of the Coheires of Thomas fitz Alen Earle of Arundle and Surrey. |

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comp : rec : de
Mowbray 2. H. 6.
in castr. Berk :
hilar : fin : 24. H.
6. in sc^ocio.

fol : [479]

This lady Isable was first maryed to Henry fferrars, son and heire to William fferrars lord of Groby, in the second yeare of king Henry the 5th, by whom shee had issue Elizabeth, maryed to S^r Edward Gray lord fferrars and Groby, who had issue between them S^r John Gray slaine at y^e battle of S^r Albons in the 33th of Henry the sixth, whose widowe the lady Elizabeth was after maryed to king Edward the fourth : And Edward Gray their second son, who in right of Elizabeth his wife sister and heire of Thomas Talbot viscount Lisle, was in the first of Richard the third, created viscount Lisle, of whose issue between them, I have formerly written in the life of Thomas lord Berkeley the fourth of that name.

finis levat. apud
Vike. 3. H. 6. de
manerio de Rage-
lond.

And secondly the said Isable was maryed to this lord James Berkeley in the second year of Henry the sixth, And continued his wife twenty nine yeares ere shee dyed, By whom shee had issue fower sons and three daughters, as after followeth.

Esch : 11. H. 6.
post mort. Johis
Mowbray et 31.
H. 6. post mort.
dict. Isable in arce
London.

With her this lord James had in mariage the manors of Aspley, Alspath and ffelekenho in the County of Warwicke, And some other lands in Essex, and in other Counties, which her brother John Duke of Norfolke in the 4th of Henry the fifth conveyed to her, what time shee was wife to the said fferrars: **H**owbeit shee brought further the greatest masse of land to this family of any lady that was before her, as after will bee declared in the life of the lord Wittm her eldest son.

fol : [518]

Esch : in Com :
Essex 31. H. 6.
post mort. dict.
Isabellæ.

Shee was a lady of great vertue, entirely lovinge her husband, and the children shee had by him ; And in their distresses the principall stay and follower of their futes and buisineses ; whereof noe other testimony needeth then her tre from London to her husband formerly mentioned, and the manner and means of her death at Gloucest^r, the satterday before Michmas day in the 31th of Henry the sixth,

Anno .

Anno. 1452. under the rigorous hand of that mercileffe lady Margaret Countesse of Shroesbury, as before is touched out of the complaints of her son Wiſſm to king Edward the fourth and to his Chancellor againſt the ſaid Margaret; And whoſe bloud, hee and her other ſons after revenged in the death of her grandchild and heir; And lyeth buried in the Chancell of the Church of the ffryars myno^{rs} atſ gray ffryars at Glouc., which place her grandchild the lord Maurice | Berkeley in honor of her memory in the 21th of king Henry the 8th afterwards repaired.

Rot. fin. 3r. H. 6.
m. vlt.

Newland: pedig^r.

volunt. Mauricij
Berkeley. 15. H. 8.
540

Touching this lady Ifable, M^r Mills in his catalogue of honor hath a four fold error; **F**irst in telling us That ſhee was firſt maryed to this lord James And after to Henry fferrars laſt lord fferrars of Groby; whereas ſhee was firſt the wife of the ſaid Henry and after of this lord James, as formerly is delivered: **S**econdly in ſaying that by this lord James ſhee had iſſue Wiſſm and Maurich: whereas they had iſſue between them fower ſons and three daughters, as after followeth, but none of them called by y^e name of Maurich; neither doth the lord Berkeley that now is, Anno. 1620. or the lord Henry that was when Mills wrote. Anno. 1557. diſcend from any of that name; which I would have made the printers error, but that I find it not in the errata of his booke directed to bee reformed: **T**hirdly by makeing this Ifable younger then her ſiſter Margaret, whereas ſhee was the elder, and maryed longe before her ſiſter; Howbeit its true, That the iſſue of the younger ſiſter was advanced in honor before th' elders, which was the ſole ground not only of Mills conjecture, but of Vincents and ſome other late writers alſo: **L**aſtly, in writing, That this Ifables huſband was the laſt lord fferrars of Groby of that ſtock; whereas Henry fferrars her huſband was ſon and heir of Wiſſm lord fferrars, And dyed in the life of his father, as formerly is ſaid.

Catalogue of
honor fol: 88o.

Vincent fol: 346.

Eſch: 36. H. 6.
poſt mort. Edi
Gray.
hillar: rec: in ſc^acio
15. E. 4. rot: 311.
Paſch: 16. E. 4.
rot. 4ro. in banco
coi.

fol: [539]

The laſt wife of this lord was Jone ſiſter to John the ſecond Earle of Shroesbury, whom hee maryed in the end of the 35th year of king Henry the ſixth, and daughter of the often mentioned John Talbot Earle of Shroesbury ſlaine in France five yeares before: A litle before which mariage, on the 25th of July in the ſaid 35th of Henry the ſixth, it was agreed between John then Earle of Shroesbury and this lord James, That hee ſhould marry his ſiſter Jone, if ſoe hee the ſaid Earle might get an obligation of one thouſand pounds in which the ſaid lord James ſtood bound to the king, and deliver it to the ſaid lord James on the mariage day or before; And that the ſaid Earle ſhould pay to the ſaid lord James on the marriage day, one hundred marks, and provide his ſiſter her mariage apparell as may bee worſhip to him the ſaid Earle and to the ſaid lord James and to her. And ſhould bee alſo
good.

carta in caſtro de
Berkeley.

541 good lord to all the Counsellors, Tenants, and servants of the said lord James that bee to him well willed and true : And shall support him by his Counsell in all futes that bee taken against | him. And that the said lord James shall make to her an estate of one hundred and twenty pounds by the yeare for her life, And shall bee feized the day of the mariage of all his other lands and Teñts of such estate as y^t the said Jone may bee dowable of them.

And to speake as I conceive of this mariage, It was of much pollicy in this old lord James, then in his great climaactericall yeare of sixty three : for hereby hee not only gave strength to his own affaires, but hee weakened the power of the adverse party, not only by drawing from the said Margaret her two greatest pillars, her son in lawe and daughter in lawe, with an intelligence of her private purposes and practises past and present, but by opposing their endeavors against her by expresse covenants.

carta in castro de
Berkeley.

By this Jone, this lord James had noe issue, but after six yeares and fower months mariage, hee by his death left her his widowe : And within two months after, her son in lawe the lord Wiltm Berkeley agreed by Indenture to pay her one hundred pounds yearly for her life, in lieu of her dower and of such manors and lands as were by her husband conveyed to her ; And about fower years after shee maryed Edmond Hungerford Esq^r to whom the said hundred pounds Anuity was many years paid.

carta in castro de
Berkeley : et
divers : acq : ibm.

His issue.

1. 3. Of Wiltm who dyed without issue, And of Maurice his brother lord Berkeley also after him, and of his issue I shall after write in their severall turnes, under whom this family saw, as various alterations, as in the life of this lord James had happened.

Each state is subject unto change,
Why then to us should this seeme strange,
Yea, th'eavens and earth must passe away
And not continue at one stay.

542 2. James who was second son of this lord James and Isable, was, in the | floure of his youth after hee had suffered imprifonment with his father and brethren, and been made a party to all those enforced conveyances as formerly is declared, hurried into France by the said Earle of Shroesbury and lord Lisle, against his will

petitio Wiltmi ad
Edm quartum

will, by the procurement of his Countesse the often mentioned Margaret ; where with them hee was slaine the same year, before hee tasted the sweet or soure of nuptiall fruit, And seems to lye by the body of this lord James his father in the Chapple on the south side of Berkeley Church, differenced in his bearings with a file of three lambeauxes, fables, though of the transportation of his body out of France, I have found nothinge.

4. **Thomas** fourth son of this lord James and Isable, was also both at home and abroad in France, partaker of his brother James double misfortunes, onely hee had the hap to have his life saved in that overthrow wherein the said Earle and his son, in the 31th of Henry the sixth, perished ; but his body was taken prisoner, And (as his brother the lord Willm complained after to king Edward the fourth,) was put to ranome importable for him to beare ; At which time hee was under nyineteen years of age : of whom, and the discendants from him, I will enlarge my self, (as I have formerly done in other branches of this noble family continuing to this day . 1634.) And the rather also because this Thomas is stock-father of the Berkeleys, comonly called of Worcesterfhire, and of Herefordshire, multiplyed into many generations ; whose later discents have not been soe fully insisted upon by the genealogists of this family, as seemed due to male-branches lately blossomed from soe noble a stocke, as this lord James and the lady Isable his wife.

This Thomas in his fathers life time was stiled Thomas Berkeley Añ fit Jacobi Berkeley ðni de Berkeley miß, And after his death, Thomas Berkeley Añ frater ðni Willmi Berkeley ðni de Berkeley.

In the 34th of Henry the sixth upon the petition of this Thomas and for speedier payment of his finance, the king grants leave for three of his factōrs to goe with the ship called the Christopher with any lawfull merchandize, and to sell the same, and returne, and goe againe. And the year before, this Thomas and two of his partners had the like licence to goe with their shipp called the Trinity of Berkeley, to Burdeaux, and there to unlode, & lode againe, & bring any merchandize into England. | ffor his portion hee had by the severall conveyances of his father, the manor of litle Marshfeild and divers lands in Clapton, late the lands of John Edwards, and all other his lands, Tenements and hereditaments in the county of Gloucester, which the said lord James held in ffee simple, whereof some lay in Berkeley, Dursley, and Hinton : And the 13th of December in the 22th of king Edward the fourth, Willm viscount Berkeley his brother and Jone his then wife, gave

petitio predict.

Berkeley of
Worcesterfhire
Berkeley of
Herefordshire

cartæ cum Willmo
Munday. 2. et. 7.
E. 4.

Vascon. 34. H. 6.
m. 3.

Vascon. 33. H. 6.
m. 4.

543
carta in castro de
Berkeley.

carta in castro de
Berkeley.

carta in castro de
Berkeley.
dat. 4 Nov. 13 H. 6.

gave to this Thomas his brother, for his laudible service, an Annuity of nineteen pounds p añ for his life, whereof . 6^{li} 13^s 4^d to bee issuing out of his manor of Wotton, And—12^{li} 6^s 8^d out of his manor of Hame. And also this Thomas had by conveyance from his father in the xiiith of Henry the sixth, then very younge, the manor of Daglingworth, and the moytie of the Manor of Brokenburgh, with the alternate course of prefentinge to the chantry of our Lady in Almondesbury, entayled upon him and the heires of his body, with remainders to his elder brothers in tayle.

carta cum Johē
Smyth de
Midleton.

Humphry duke of Buckingham, by his patent dated the eighteenth of March in the 32th of Henry the sixth, made this Thomas Berkeley receiver generall of all his lands in the County of Gloucester, Wiltes, and Hampshire, with the fee of five pounds p añ, And two shillings for his wages for each day hee should travell in his buisines; which seemes to bee upon his first returne after hee had taken order for his ranfome in ffance.

This Thomas was present with his two elder brothers, Wilm & Maurice at the death of the lord viscount Lisle, slayne by them at Nibley greene in the Tenth of king Edward the fourth, as after followeth.

carta 20. E. 4. in
castro de Berk :
volunt. Marchion.
Berkeley : 7. H. 7.
carta in castro de
Berkeley 3 H. 8.

Hee married Margaret the daughter and heire of Richard Guy of Minsterworth, heire to Phillip Waterton of Waterton in Wales, an antient family, to whom Thomas lord Berkeley had formerly given divers messuages and lands in Berkeley, Alkington, Hinton, and in the lordship of Berkeley, under the rent of 24^s paid by the heires and assignes of this Thomas Berkeley to this day . 1634. **By** her this Thomas had issue 1 John Berkeley, 2 Thomas, 3 Richard, 4 Edward, 5 Margaret, 6 Ifable, and 7 Margery; And dyed the second day of July . Anno . 1484 . in the second yeare of king Richard the third, as the brasfe about his marble Tomb in the chancell of Berkeley Church doth witnes, whereout twenty four years agoe, I copied forth this Epitaph; Hic jacet Thomas Berkeley insignis armiger frater illustrissimi domini Willelmi Comitis Nottinghamiæ, qui quidem Thomas obiit secundo die Julij, Anno Domini . 1484 . cujus animæ propitietur deus . Amen. |

544
carta. 3. H. 8 : in
castro de Berkeley.
Rental de
Berkeley 8. H. 7.
in dicto castro.

John eldest son of the said Thomas Berkeley and Margaret, by Margery his wife had issue John and Thomas, And dyed in the 27th yeare of kinge Henry the 8th And the said John son of John was servant to Anne lady Berkeley widowe, And dyed without issue at Callowdon in the County of Warwicke in the 31th of the said king

king Henry the 8th And Thomas, brother and heire of the faid John son of John, by Suzan his second wife daughter of Curnocke of Cowley, (for by his first wife hee had noe issue,) had issue two daughters, Jone and Frances, And dyed in the twentieth yeare of Queen Elizabeth at Berkeley, where hee lyeth buried.

Moyles survey
book 35 H. 8. in
castro de Berkeley.

The faid Jone by Morgan Griffith her first husband, had issue Edward, frances, and Blanch maryed to Thomas Barber of Berkeley-heath, by all which is issue. And by Richard Oldland her second husband had issue Thomas and James, neither of whom are yet maryed, And Richard who maryed Jone Richards of Wanefwell, Anno. 1622.

The faid frances second daughter and coheire of the faid Thomas Berkeley, was maryed to John Smith of Middleton in Hinton, (hee yet living, blind. 1622,) by whom shee had issue John Smith, Witm Smith, Henry, Elizabeth, Margaret, Mary, Jone, Edith, and Agnes; The faid John by Martha his wife daughter of Robert Cloterbooke hath issue Thomas and Henry.

The faid William is not maryed.

The faid Henry by Jane his wife, daughter of James Bayly of Swanley, hath issue John, Witm, Henry, Elizabeth, and Mary.

The faid Elizabeth was maryed to Phillip Wither of Littleton who had issue Katharine, first maryed to John Atwood of Berkeley by whom shee had no issue, And after maryed to Charles Jay, between whom is issue frances. Anno. 1634. an infant very young.

The faid Margaret was first maryed to Thomas Nelme, by whom shee hath issue Thomas: And secondly married to John Nelme by whom shee hath yet noe issue, 1622.

The faid Mary was first maryed to Mathew Skull of Newport, by whom shee had issue, John, Thomas, Henry, and Nicholas; And 2^{dly} to John Noote of Oldbury, by whom shee hath noe issue. |

The faid Jone is maryed to John Hurne of Hinton, by whom shee hath issue Sara maryed to Nathaniell Mallet. 1635. 545

The

The said Edith is married to John Clutterbooke, by whom shee hath issue John, married to fortune Lawrence, and Agnes. 1634.

And the said Agnes is married to James Hurne lately deceased, by whom shee hath issue John, Mary, and Edith.

carta in castro de
Berkeley et cum
Robto fowler de
Alderly

Richard third son of the said Thomas Berkeley and Margaret, (to whom his uncle Wilm Marques Berkeley by his will in the seventh of king Henry the seventh, gave a legacy of forty shillings,) possessed part of his fathers lands in Dursley fower miles from Berkeley, where sometimes hee dwelt, which are now the inheritance of Robert fowler of Alderley and others; And by Margaret his wife, daughter of Dyer, had issue 1 Richard, 2 Thomas, 3 Edward, 4 William, 5 Humphry, 6 Jone, and 7 Edith, of whom in order as followeth: **Richard** eldest son of the said Rich^d had issue John, who married the daughter of Slead, between whom was noe issue; And also the said Richard had another son of the same name of John, who was written John Berkeley of Hereford, and was twice Maior of that city, viz^t in the 8th and 24th yeares of Queen Elizabeth; And by Jone his first wife daughter of Havard had issue Thomas, who after dyed without issue; And by Margaret his second wife daughter of Hues had issue, William, Humphry, Ofwald, John, Nicholas, Richard, James, Mary married to Whittach, Margaret married to — Mynors, and Ellenor married to — Cosby: **Of** whom, the said Wilm the eldest son by Elizabeth daughter of Wilm Burghill had issue Wilm Berkeley, now living at Killruddon in the county of Limbricke in Ireland, Anno. 1632. **And** the said John Berkeley of Hereford, who (as aforesaid) was twice Maior of that city, hath his portraiture to bee yet seen in the house of Wilm Norman a Mercer in Hereford, pictured in an Aldermans gowne, blacke faced with Ermins, sent him, as report there goes, out of Russia by his son then Interpreter between the English and the Russian, with this inscription; Vera effigies Johannis Berkeley genⁱ bis quondam hujus civitatus Herefordⁱ præturam gerentis, prius Anno Eliz. 8^o postea verò eiusdem imperij. 24^{to} Anno. 546 ætatis facta. 65. et Anno dñi. 1585. with | this motto under it servire deo regnare est, with the coat of Armes of this James lord Berkeley differenced by a bordure argent¹; which house the said Wilm Berkeley of Kyllruddon in Ireland sold to the said Wilm Norman; And the ground whereupon that house was built was by the said John Berkeley grandfather of the said Wilm purchased of John Kinge and others in the first of Queen Mary, as by the deed appeares.

Ex archivis civit.
Herefordiæ.

carta cum Wilm^o
Berkeley de
Killrud:

Thomas

¹ We cannot gain any intelligence of this portrait. [Ed.]

Thomas Berkeley the fecond brother of Richard fon of Richard fon of Thomas Berkeley, was of Allenfmore in the iurifdiction of the deanry of Hereford, And dyed in the 4th and 5th of Phillip and Mary, As by the adminiftration of his goods then comitted to Anne his wife appeares, Of whom I find noe iffue ; Neither have I found any iffue of **Edward** his next brother.

Regiſtrũ civitaſ
Hereff :

Willm Berkeley 4th brother of the faid Richard, fon of Richard, fon of Thomas Berkeley, dwelled in Hereford, And was in the 35th of Henry the 8th Anno Dñi. 1545. Maior of that City ; And by Elizabeth his wife had iffue fifteen fons and daughters, viz: 1 Richard who dyed without iffue, 2 Robert who alfo dyed without iffue, 3 Willm who had iffue George who dyed in the eaſt Indies leaving a fon yet living, 1634. 4 Henry, doctõr of the civill law and a maſter of the Chancery, who dyed without iffue, whoſe originall will dated in May in y^e 26th of Eliz : 1584 I have feen, ſealed with Berkeleys ten croſſes ; 5 Thomas who alfo dyed without iffue ; 6 John Berkeley ſometimes a fellow in New Colledge in Oxford, from whence hee went to Ipſwich where hee dyed ; 7 Edward Berkeley a mercer in London and a benefactor to that company, whoſe Eſchochen, (the Berkeleys ten croſſes,) is ſet up in the hall at Mercers chapple in London, and dyed without iffue ; 8 Rowland Berkeley, (of whom after,) Leonard Berkeley who dyed wthout iffue, Margaret maryed to Richard Bramwich and fix other daughters.

Regiſtrũ civitaſ
Hereff. ċm maiore
iſm.

voluntas Henrici
cum Roſto
Berkeley milte.

The faid Rowland Berkeley the 8th fon of the faid Willm the maior of Hereford, dyed at his manor of Specheley in the County of Worceſter the firſt of June in the ninth year of king James Anno Doñi. 1611 : whoſe monument is in the chancell of that Church ; Howbeit his funerall was the 18th of the next month ſolemly ſolemnized at the | Cathedrall Church in the City of Worceſter, where for the moſt part hee had lived, Cheſter Herald then preſent marſhallinge the funerall, in preſence of Willm and Robert his two eldeſt fons, his executors : Howbeit I am bold in love to truth, with reverence to the memory of learned Campden, to write ; That in his regiſter booke of certificates of funeralls, fol. 330. remaining in the office of Armes at London, (a place much to bee honored,) is a miſtake in the genealogy of this Rowland Berkeley, the rather here ſoe precisely by mee purſued for rectifying the error therein recorded.¹ This Rowland Berkeley maryed Katharine daughter

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¹ Through the courteſy of STEPHEN TUCKER, Eſq., *Somerſet Herald*, we are enabled to annex a copy of the Funeral Certificate referred to in the text, but we do not ſee any diſcrepancy between it and the Author's ſtatement. In the recorded Pedigree (I. 16, fo. 330) however there are ſome few ſlight diſcrepancies, e.g. Rowland Berkeley is ſhewn to have married a daughter of Heywood, inſtead Hayward, and Mary, the daughter of Rowland, is ſtated to have married Wyn, inſtead of Mynne.

daughter of — Heyward by whom hee had issue six sons and nine daughters ; whereof Withm the eldest son was high Sheriffe of the County of Worcester in the 14th of Kinge James : And Robert Berkeley second son of the said Rowland was in the life time of his father, called to the degree of an vtter Barrister in the Midle Temple, my self then and some yeares after of the same society : And in the 12th year of king James was high Sheriffe of the County of Worcester, two yeares before his eldest brother ; After which office in the ministeriall part of the lawe expired, hee returned to the Midle Temple, where hee foe enabled himself for the juditiall part, That in Michalmas Terme in the first yeare of king Charles, (then by reason of the plague in London held at Readinge,) hee was called to the Bench amongst the Readers of that house, And designed to read in the Summer following ; which done, in Ester Terme in the third year of king Charles, hee was made Serjant at lawe, And the same Terme one of the said kings Serjants, And then also honored with knighthood by his Maj^{tie}. And in Michaelmas Terme in the eighth of that kinge, was made one of the Judges of his Maj^{ties} Court of kings bench : The said S^r Robert Berkeley maryed Elizabeth one of the daughters and Co-heires of Thomas Coniers Esquier, discended of the family of the Coniers of Sackborne in the Bishopricke of Durham, whose bearing I take to bee, A manch or in a feild Azure ; By mariage with his said wife hee had, (inter alia,) an house and lands in East Barnet in the County of Hertford, ten miles from London, whither in vacation times hee often retireth himself.

Edward

Rowland Barkeley De Spechley in com Worcester obiit (1) Die Junij 1611 (8) Jacobi R^{is} Angl: ffr et hñnie et Scotie (44) his bodye buried the 2 June att Spetchely his funerall solemnized July 18. 1611 att the Cathedrall Church in the citie of Worcester.

Chester Herauld present, William Barkeley and Robert Barkeley his (2) eldift fonnes Executours.

Ro : Barkeley.

(I 10, 205.)

The Arms exemplified are : Gu. a Chev. betw. ten Croffes ar. differenced by a Crescent surmounted by a mullet. Crest a bears head Couped ar. muzzled gu.

Extracted from the Record now remaining in the Herald's College, this 21 July, 1883.

STEPHEN TUCKER, *Somerſet Herald*.

Rowland Barkley, only son of William eldest son of this Rowland, born 1613, was knighted at Worcester, 30 June, 1641, and was nominated by Charles II one of the Knights of the Royal Oak. He married Dorothy daughter of Sir Thomas Cave, Knt, of Stamford.

Robert, second son of the above mentioned Rowland, became one of the King's Serjeants at Law, as stated in the text, and was knighted 14 April, 1627. [ED.]

Edward, John, Henry, and Thomas, the third, fourth, | fifth, and sixth sons of 548
the said Rowland Berkeley, have their names only here mentioned by mee.

Of the foresaid nine daughters, Dorothy is married to Thomas Wild; Katharine
is married to Wilm Worfeild; Elizabeth is married to Rob^t Crosby; Ellenor is
married to ffrogmere: Jane is married to Stinton; Jone is married
to Henry Bright; Mary is married to Mynne of London; Anne is married
to Thomas More; And Joyce is married to Newton of London, of whom
is a numerous posterity.

Humphrey Berkeley fifth brother of the said Richard son of Richard son of
Thomas Berkeley, was a professed Monke in the monastery of S^t Peter in the City
of Glouc. at the time of the dissolution thereof; To whom king Henry the 8th the
tenth day of February in the 31st of his raigne granted an yearly pension of eight
pounds for his life, which hee received till the 14th year of the raigne of Queen
Elizabeth; And is beleaved by many to have outlived all of the like Monkish
pensioners in England.

Irr: in Curia
Augmentac:

Of Jone and Edith sisters of the said Humphry, I can say nothing, save that
I here conclude with them, the issue of the said Richard Berkeley third son of
Thomas Berkeley youngest son of this lord James and of the lady Isable his wife.

Of Edward fourth son of the said Thomas Berkeley and Marg^r: I can say
nothing, save that

Margaret, eldest daughter of the said Thomas and Marg^r: was married to
Shipward gent., an honest and carefull Agent in all the weightiest buisnesses of
Maurice lord Berkeley the sixth and last of that name, especially whilst hee lived at
Calais, as many of his tres in Berkeley Castle written to that lord doe plentifully
witnes, which declare him to bee, as I here deliver him; who had issue between
them Shipward father of | Maurice, father of Maurice and Wilm, which
Maurice was of Alveston, and dyed without issue about the twentieth year of the
raigne of Queen Elizabeth leaving the said Wilm his brother and heire; which
Wilm had issue five sons and daughters, viz: 1 Maurice Shipward of the City of
Westminster, father of divers children; 2 Wilm who by Elizabeth the daughter of
Anthony Halfe Esq^r: is also father of divers children, 3 Giles Shipward, 4 Elizabeth,
and 5 Ellenor.

diversa munimen^t
in castro de Berk:

549

Isable

Isable second daughter of the said Thomas Berkeley and Margar: (to whom her uncle W^{ill}m Marques Berkeley in the seaventh of Henry the seaventh gave a legacy of twenty markes,) was in the third yeare of king Henry the 8th maryed to Humphry Lluellin gent. son and heire of W^{ill}m lluellin of Pucklechurch gent, between whom was issue John ffluellin, [sic] who by Anne his wife daughter of John Atwood had issue, W^{ill}m, and Hugh: which W^{ill}m by Cicely his wife daughter and heire of Robert ffrize of Pucklechurch had issue Christopher, Agatha, Ellenor, Anne, and Mary.

The said Christopher by Anne his wife, daughter and heire of John Burnell of Westerly, had issue William, who by Anne his wife daughter of John Brittain of Bitton hath issue William, John and fower daughters.

The said Agatha was maryed to W^{ill}m Organ of Westerly and hath issue John and George.

The said Ellenor was maryed to John Gregory of Wike, who had issue W^{ill}m lately dead without issue, and Walter who had a son. And the said Mary was maryed to John Mayo who have issue John Mayo, and a daughter called Elleanor, maryed to W^{ill}m Buckle.

The said Hugh ffluellin brother of W^{ill}m, son of John, had issue W^{ill}m, of whom is issue.

carta in castro de
Berkeley et cum
Robto fowler de
Alderly.

7 **M**argery youngest daughter of the said Thomas Berkeley and Margaret, (to whom her uncle W^{ill}m Marques Berkeley by his will in the 7th of Henry the seaventh gave a legacy of five marks,) dyed, as I conceive, wthout issue; And these three daughters Margaret, Isable, and Margery, had, by the conveyances of their father and Mother, divers lands and remainders in tayle limited to them in Berkeley and Dursley &c, Hitherto of the said Thomas and his issue, fourth son of this lord James.

550 5. **E**lizabeth, eldest daughter of this lord James and Isable his wife, was | in their life times maryed to Thomas Burdet of the County of Warrwicke Esq: And had two hundred pounds for her mariage portion, And from her husband forty pound Joynture p^r aⁿn; which Joynture land was entayled to them and the heires of their two bodies, as the Deed it self dated on thurfdays after S^t Katharines day

carta in castro de
Berkeley.

in

in the 27th of Henry the sixth doth witnesse, A litle before which time they were maryed : And for any thing I yet understand shee dyed without issue.

6. **Isable**, the second daughter of this lord James and Isable, was maryed to W^{ill}m Try of Hardwike in the County of Glouc, Esq., to whom by deed dated the 18th of August in the 16th of king Edward the fourth, W^{ill}m lord Berkeley her brother granted an yearly cheife rent, (which the lord George Berkeley receiveth at this day, 1628,) of forty shillings paid him by the said W^{ill}m Try and his Ancestors out of certaine lands and woodground called Inwoods in Stinchcomb within the parish of Came ; To hold to the said W^m Try and Isable his wife in part of payment of three hundred marks, (the like portion to her elder sisters,) untill the same bee paid, according to the will of James lord Berkeley his late father, as the mariage portion of the said Isable.

carta in castro de Berkeley.

carta cum W^{ill}mo Try de Hardwike.

This W^{ill}m Try dyed in the 13th yeare of Henry the seaventh, whose office then found sheweth, That the third of September in the 21th of Edward the fourth hee had enfeoffed her brother Thomas Berkeley and others of his manor of Park-court in Hardwike, To the use of himself and Isable his wife and of the heirs of their two bodies, And that shee was now dead : Howbeit shee was livinge in the fourth of Henry the seaventh, when by the kindnes of her said huband, her Joynture was further enlarged with his lands in Beoly and Clehungre in Berkeley hundred.

This W^{ill}m Try was discended from S^r Robert Berkeley second son of Maurice lord Berkeley the second of that name, as in the title of his issue is to bee read, from whose conveyance came the said lands in Beoly and Clehungre, and the forty shillings rent charge out of Vley there mentioned, which that family possesse to this day, 1620.

Rec : in banco :
Ter^m Anno
H. 7. 10t.
vetus manuscr. in
castro de Berkeley.
vide fol : [177]

The said W^{ill}m and Isable Berkeley had issue John Try, who dyed without issue, and W^{ill}m Try, who by Anne his wife, daughter of Thomas | Bainham and widowe of M^r Clifford, had issue Edward Try, and Thomas Try of Callowdon, a wife and faithfull fervant to this family, of whom much is after written, And dyed in the 16th of Henry the eighth. 551

The said Edward Try son of W^{ill}m and Anne, by Sibill his wife, had issue John Try, Arthur, and George, which Arthur and George dyed without issue ; And W^{ill}m

Willm Try of Pucklechurch, who by Cicely his wife daughter of Whitokefmead, had issue Sibill maryed to Henry Denis, and Anne maryed to Roger Kemis of Wickwicke ; and the said Edward had also issue Katharine maryed to Hugh Denis of Pucklechurch, of whose issue see after ; And the said Edward dyed in the 18th of Henry the 8th

The said John Try by Elizabeth his wife daughter and coheire of M^r Gurney of Suffolke, had issue John Try, Edward Try that dyed without issue, Anthony Try, Anne, Elizabeth, and Katharine maryed to M^r Serjeant of Stone.

The said John son of John by Margaret his wife daughter of M^r Skipwith had issue, Willm, Henry dead without issue, Thomas, Peregrine, John, Edward, Suzan, Elizabeth, Margaret, and Frances.

The said Willm eldest son of John maryed Mary daughter of S^r Edward Tirrell kn^t, by whom hee had issue Willm, Henry, Edward, John, Frances, and Mary ; And was in a private quarrell slaine at Gloucester, Anno 8. Jacobi.

The said Thomas third son of John maryed Vrfula daughter of M^r Foster, by whom hee had issue, Willm, Elizabeth and ffances.

The said Peregrine, fourth son of John, is yet unmarried ; Anno . 1618.

The said John the fifth son, maryed Elizabeth daughter of John Chambers of Tresham, by whom hee hath issue, Thomas.

The said Edward the sixth son maryed Millicent then attendant on the lady Elizabeth Berkeley widowe ; At what time also the said Edward was her gentleman vsher, And have issue, 1628.

Suzan and Elizabeth are yet unmarried . 1620 . Margaret is maryed to M. Drayner of the Inner Temple, And ffances is dead without issue. |

552 The said Katharine sister of the said John Try son of Edward was maryed to Hugh Denis of Pucklechurch Esq^r by whom shee had issue Henry that dyed without issue, John, Walter not maryed, Anne maryed to M^r Petit and have issue, Cicely not maryed, and Audely maryed to M^r Bryers of Coventry ; ffances maryed to M^r Thomas

M^r Thomas Ligon of Elfton, and have issue, Thomas Ligon, Withm, Richard, John, and Katharine maryed to M^r Jerrat, who have issue ; And Jone dead without issue, and Alice first maryed to M^r Brokesby and after to M^r Berry, who also have issue.

John Denis brother and heire of Henry, sons of the faid Hugh and Katharine, by Ellen his wife daughter of Thomas Millet of Sowe hath issue henry Denis, who hath maryed Margaret daughter of S^r George Speake and have issue ; Withm Denis not maryed, Cicely maryed to Withm Guyes son and heire of S^r Withm, and have issue, And Katharine not yet maryed . Anno . 1624.

7. Alice third daughter of this lord James and Ifable his wife, was maryed to Richard Arthur of Clapton in Somersetsshire near Portbury, and had issue John and Ifable ; which Ifable was first maryed to M^r Stanshawe, And after to M^r Harrifon, both whom shee survived, And as I take it, dyed without issue.

carta irr : in Canc:
17. H. 7. et in
banco eodē anno,
Term Michisrot. 1.
See fol :

The faid John Arthur son of the faid Richard and Alice, by Margaret his wife daughter of John Butler of Badmington, had issue Thomas, and Margaret maryed to Roger Porter in the 22th year of Edward the fourth, of whom after.

The faid Thomas Arthur by the daughter of M^r Shipman of Bristoll had issue, whereof many remaine at this day.

The faid Margaret maryed to Roger Porter had issue Arthur, who by Alice daughter of John Arnold had issue Thomas Porter of Lanthony by Glouc : knight, Tacy maryed to Edward Oldifworth, Ifable maryed to Giles Codrington, and Bridget maryed to Christopher Bainham of Clowerwall.

The faid S^r Thomas Porter, by Anne daughter of Richard Denis of | Sifton, 553
had issue Arthur Porter knight and others, of whom see after in the issues of Maurice fol : [625]
the fifth, third son of this lord James.

The faid Tacy maryed to Edward Oldifworth had issue Arnold Oldifworth late Clark of the Hanaper, who by Lucy his wife daughter of ffancis Barty a fflorentine gentleman of a noble family, had issue Edward maryed to Elizabeth Masters late of Cirencester, by whom hee hath issue Bridget ; Michaell Oldifworth Secretary to the Earle of Penbroke lord Chamberlaine, and Elizabeth maryed to Alexander Bainham of Westbury by whom shee hath issue.

The

The said Ifable maryed to Giles Codrington had issue ffrancis Codrington of fframpton upon Seaverne, Richard Codrington of Dodington, and Cicely maryed to Wiltm Rufwell of Dunkerton in Somersfetshire.

The said ffrancis Codrington by Mary his wife daughter of S^r Nicholas Poyntz had issue Margaret, first maryed to Edward Bromwich of Frampton upon Seavern, And secondly to John Sydnam ; of whom see more in the life of the lord Thomas
fol : [683] the fifth.

The said Richard Codrington brother of ffrancis, by Joyce his wife daughter of John Burlace Esq^r, hath issue Samuell, who hath maryed Elizabeth daughter of Thomas Stephens of Lippiat Esq^r and sister of Edward Stephens of Sodbury, Esq^r (farmer also of the impropriate Tythes of Berkeley Rectory,) Richard, Robert, Wiltm, Giles, Anne, Elizabeth, ffrances, Joyce, and Ifable Codrington ; Of whom the said Ifable is maryed to Samuell eldest son of Christopher Stokes of Stanhawes by Sodbury gent.

And the said Bridget was maryed to Christopher Bainham of Clowerwall, who had issue George Bainham, dead without issue.

His Seales of Armes.

554 This lord James in his first accesse to his Barony sealed with the Cheveron and ten crosses cornerwise, the two mairemaydes supporters, and the helmet and myter for crest, (the miter not charged,) circum|scribed, sigillum Jacobi domini de Berkeley ; And afterwards, upon what grounds I find not, the miter was charged with the crosses also ; And the circumscription of that seale was sigillum Jacobi domini de Berkeley militis, in other things agreeing : both of one bredth of two inches and an half diameter, without any reverse or privy seale on the dorfe : Behold the resemblances.



The mitre is shewn charged in the seal as "tricked" by the Author. See *fac simile*. [Ed.]

His death and place of buriall.

The 22th of October in the third yeare of king Edward the fourth, it was agreed between this lord James and the often before named Margaret Countesse of Shroesbury, That they would thenceforth cease suites & the residue of their lives live in rest and peace together; And that either of them should enjoy such manors lands and Tenements in such sort and form as either of them then held and were possessed of, without interrupting one of the other.

carta in castro
de Berkeley.

At this time was the lord James of the age of . 69 . years and upwards, and the said Margaret about fifty and two; Neither of whom since their ages of discretion having till that time enjoyed any three months of freedom from lawe suites: And with this peace enters the everlasting peace of this lord James, an honest humble and just lord; for within thirty six days after, hee dyeth at Berkeley Castle in the end of November Anno . 1463 . where hee had lived all his life time since his unckles death; And lyeth buried under a fair tomb of alabaster beautified with the Eschucheons of his Armes in y^e Chapple on the south side of the high Altar in the parish church of Berkeley, which Chapple himself formerly had built, then entred into | the seaventieth yeare of his age, whereof hee had sit lord forty six years fower months and about twelve days.

Rot. fin. 3. E. 4.
m. vlt.
Newl : pedegr : in
castro de Berkeley.
claus: 3. E. 4. m.
Newlandpedegree
faith hee dyed.
1462. but falsly.
vlt : vol : withi
Marchion
Berkeley . 7. H. 7.

555

And now Gods holy angells are attendinge
To crowne him with those joyes that know noe endinge.

Of whom this testimony is justly transmitted to his posterity; That amongst all the generations of his house before and after him, none is found to have walked more with God in a vertuous and harmlesse life, not once observed to have slipt into disorder, vice or passion; much resembling the pious part of king Henry the sixth his life, in whose raigne the greater part of this lords life ran out.

And in the uneven parrallell between this lord and the lord Wittm his eldest son, is verifed, That parents beget the bodyes, not the minds, nor manners of their children; for two more dissenting from the cradle to the grave are not to bee found in the wholl catalogue of their generations, as by their lives appeareth.

That hee made a will it is apparent by the deed of his daughter Isables marriage, but to have been proved of record I find not in any place.

Contra

Contra vim mortis non est medicamen in hortis ;
 Noe herbes do growe in any mould
 Gainst stroke of death that can bee found :
 The grasse that grows, to-morrow's hay,
 And man that's now, assoone is clay.

The lands whercof hee dyed seized.

By the death of this lord James descended to the lord Wittm his eldest son,

The manor of Berkeley burrowe
 The manor of Hame
 The manor of Appleridge
 The manor of Alkington
 The manor of Hinton
 The manor of Hurst
 The manor of Slimbridge
 The manor of Came
 The manor of Daglingworth
 The manor of Upton S^t Leonards
 The hundred of Berkeley |

In the County of
 Glouc.

556

The manor of Portbury and Porteshead, with the hundred of Port-
 bury, in the County of Somerset.

And certaine lands in the County of Hereford, as his pardon for
 intrusion shewes.

pat: 5. E. 4. pars. 1.
 m : 22.

All the residue of his antient patrimony were othe[r]wife scattered and entred
 upon, as his life in part hath declared, And now further follows to bee spoken of in
 the life of the lord William, his eldest son.

The application and use of his life.

The use

1. **The** power and malice of the adversaries of this lord James kept him for
 the most part within doors like a prisoner, from youth to age, as his life hath
 declared : That malice God turnes to the safety and preservation not only of him-
 self but of his posterity also ; freed thereby from actuall sidinge with either of the
 two royall houses of Yorke and Lancafter, all this lords time by the eares for the
 Crown : wherein noe other family of like eminency to this is found that deeply
 suffered not in the alternate fortunes of those two houses, through the various
 successes of their Armes : Soe the more oppressed, the more preserved ; the more
 dejected

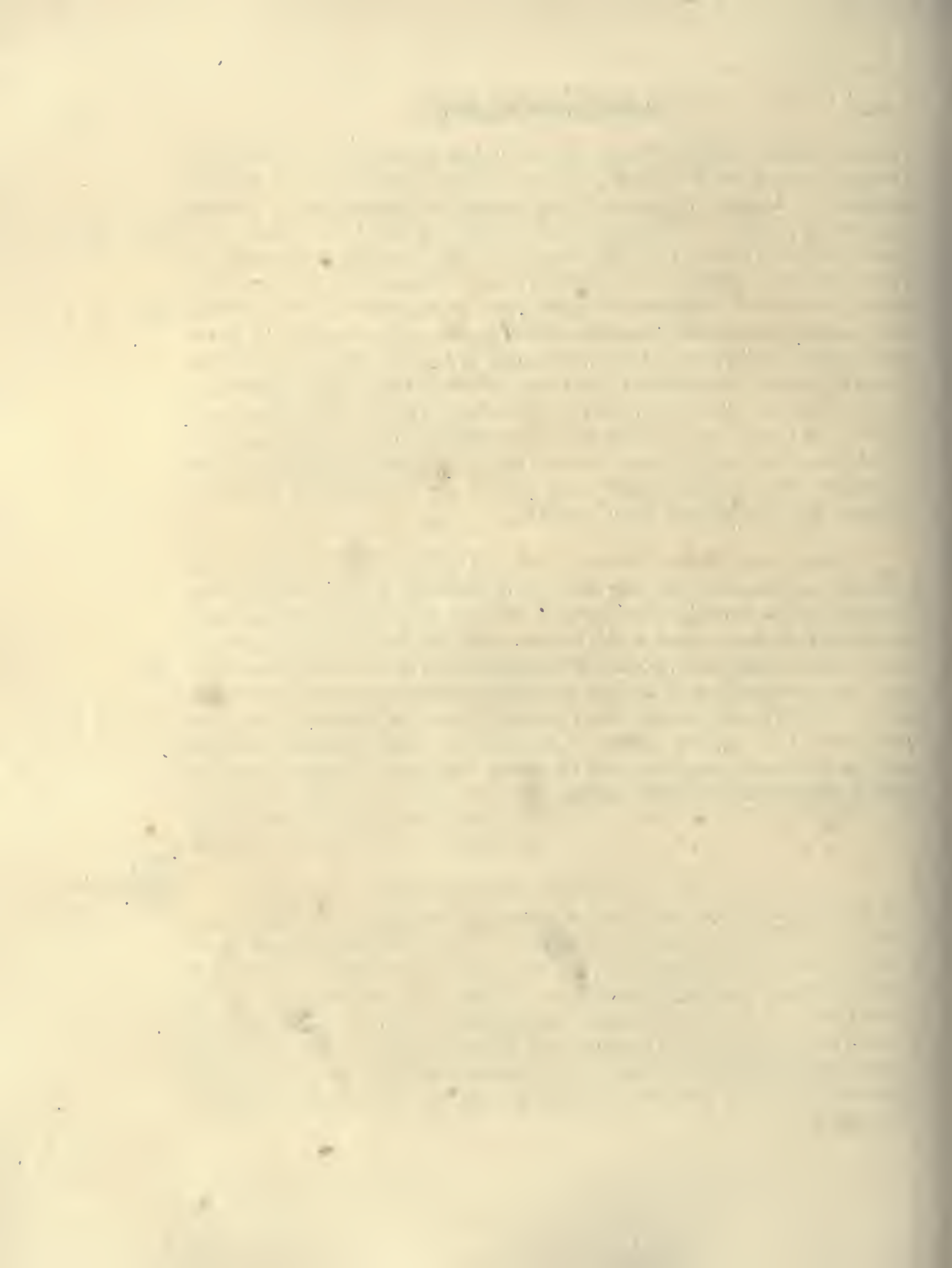
dejected, the more blessed was this lord, and in him, his posterity : A strong consideration, raising his descendants to joyne in Chore with the angell and that multitude of heavenly foldiers with him, in that celestiall himme of alleluiah recorded by S^t Luke. Glory bee to God on high . &c. who in his blessed providence turned the evill of this lords restraint, wrought by malice and greatnes, to the preservation of himself and his posterity, as farr as humane wifdome may divine : whereby hee and his in their successive generations are invited to double and |treble the remembrance and acknowledgment of that benefit and preservation : A preservation which the able and active sons of this lord make more remarkable, not otherwise then by this restraint to have been restrained from diversly pertaking in unnaturall Armes with either of those two houses, to the mutuall unsheathing of their swords against one the other, as the sequell shewes their severall affections would have driven them ; And as often and againe happened amongst brothers and parents in those intestine warres, which divided not the kingdome alone and Counties, but Cities also and private families.

Luke. 2. vers: 13.
14.

557

2. And againe let the example of this lord, (Then whom, non illo melior quisquam, nec amantior æqui, none more just in words and deeds in all his generations,) assure his posterity, That howsoever through the power of time they may wrongfully suffer for a season, as this lord longe did, yet God the just rewarder of every man according to his works will in due time give deliverance, as hee did to him ; And that godlyness of life hath the promise both of good things in this life, and of better in the life to come, from the mouth of him that lyeth not : And therefore let this lords posterity allways invest themselves with a prudent patience, as with an individuall companion, and Counsellor, which ever atcheiveth that fair victory whereat honest ends are levelled.

558 }
559 } blank
560 }



The Life of William Marques Berkeley 561

The life of Witm lord Berkeley the first of that name, stiled in writings, Witm Berkeley knight; **And** Witm Berkeley of Berkeley kn^t; **And** Witm lord Berkeley; And Witm lord Berkeley viscount Berkeley; And Witm Earle Marshall and of Nottingham. **And** Witm Marques Berkeley; **And** after the 4th of king Henry the 7th his stile was, Witm Marques Berkeley, Earle Marshall and of Nottingham, great Marshall of England, viscount Berkeley, lord of Berkeley, lord of Mowbray, and Segrave, and Baron of Bedford; with these and the like words in Indentures and dedications set before his stile; As, Between the. &c. or, **To** the right high mighty and noble lord, Witm Marques Berkeley, Earle. &c, as before.

And may bee called Witm the waist all.

Contemporary, with Edward the fourth, Edward the fifth, Richard the third, and Henry the. 7th from. 1463. till. 1491.

The life of this lord I doe present under these twelve titles, viz^t.

- 1.—**His** birth and education, fol : 562.
- 2.—**His** accesse to honor and offices, fol : 563.
- 3.—**His** lawe suites with the death of the lord Lisle at Nibley greene, fol : 564.
- 4.—**What** lands this lord was at one time feized of, fol : [586]
- 5.—**His** alyenations and sales of lands, fol : [590]
- 6.—**His** Almes and devotions, fol : [597]
- 7.—**His** miscellaneæ or various passages, fol : [601]
- 8.—**His** wives, fol : [604]
- 9.—**His** seales of Armes, fol : [613]
- 10.—**His** death and place of buriall, fol : [614]
- 11.—**The** lands whereof hee dyed feized, fol : [614]
- 12.—**The** Application and use of his life, fol : [617] |

His

562

His birth and education.

This lord Wittm, eldest son of the lord James and of the lady Ifable his wife, was born at Berkeley Castle in the 4th yeare of king Henry the sixth, Anno. 1426, And there bred up with his parents, who then had not any other removinge house.

Repl: Wittmi in
Canc. 6. E. 4.

About the . 13th of his age hee betooke himself to the service of Henry Bishop of Winchester and Cardinall, with whom at that time in the 17th of Henry the sixth, hee went over sea to Calais; And not longe after his returne, before full age, received the order of knighthood; At what time his father gave him the manor of Portbury and all his lands in that County of Somersset for his maintainance; At the death of his father hee was of the age of thirty eight years and unmarried.

Carta in castro
de Berkeley.

This lord Wittm closeth the second septenary number from Harding the Dane; and much differing from his last ancestors as the lord Thomas the first septenary lord did from his six former forefathers.

Philo the Jewe de
legis Alleg: lib. 1.
Hippocrates.
Bodyn de
republica lib. 4.
cap. 2.
see the practise of
piety. fol: 418. 410.
Censoriu de die
natali. cap: 12.
Seneca: varro in
Gellius, lib. 3.
Bucholcer.
Jerom: in Amos. 5.

I will not bee superstitiously opinionated of the misteries of numbers, though it bee of longe standing amongst many learned men; neither will I positively affirm that the number of six is fatall to weomen, and the numbers of seaven and nine to men: **Or**, that those numbers have, (as many have written,) magnam in tota rerum natura potestatem, great power in kingdoms and comon wealths, in families, ages of bodies, sickness, health, wealth, losse, &c: **Or**, with Seneca and others, septimus quisque annus, &c, Each seaventh year is remarkable with men as the sixth is with weomen; **Or**, as divines teach, That in the numbers of seaven there is a mysticall perfection which our understanding cannot attaine unto; And that nature her self is observant of this number.

But hee that marketh well the discent of the generations of this perticular family shall find in their septenary numbers extraordinary men and extraordinary changes: The first, a man of men, the very Salomon of his age, as his life hath declared:

vide fol: [184]

The

The relation of this lords life, (taking in what hath been already said of him 563
in the life of his father,) will raise an opinion, That hee was a causelesse re|pudiator 1.
of his first wife ; An unaturall contender with his own father ; A shedder of inno- 2. 3.
cent blood in the time of peace ; An irreconcilable hater of his brother and heire ; 4.
A disinheriter of his race and family ; A consumer of the fower baronies of Berke- 5. 6.
ley, Mowbray, Segrave and Bedford, and of half the dukedome of Norfolke ;
A man above measure ambitious ; A frequent leader of ungratious multitudes in 7. 8.
night fallies and inrodes upon his adverbaries tenants and fautors ; And exalted 9.
in honor and dignities above all his predecessors ; Quod nova testa capit, inveterata
sapit, vices grafted in the bones, are like to stick fast in the flesh : But,

Happy his estate above the fate of Kinges,
That could but truly know the cause of things.

And,

Right happy doe I count that man,
Of things, the reasons give that can.

His accessse to honors and offices.

In November in the third yeare of kinge Edward the fourth, by the death of
his father, hee became lord Berkeley as hath been said ; And at y^e parliament in Rot. claus : 6. E.
the sixth of Edward the fourth was rancked the fourth baron in the roll. 4. in arce londini.

The 21th of Aprill in the 21th yeare of king Edward the fourth, (not the twen- Catalog: of Honor
tieth yeare as M^r Mills faith,) hee was created viscount Berkeley, by the name of fo : 883.
fidelis miles noster, to him and the heires males of his body, without fee ; Howbeit cart : de anno 15.
there is a faire deed under seale in Berkeley Castle dated the tenth of Aprill in E. 4. vsqz 22. m. 6.
the fifteenth yeare of king Edward the fourth, made by Willelm viscount and lord carta in castro de
Berkeley, which as I reject not, soe I may not approve it. Berkeley.

And the 5th of March in the 23th yeare, the same king made him one of his pat: 22. 23. E. 4.
privy Counsell ; And for his better attendance thereat, gave him one hundred pars. 2. m. 2. in
marks p ann^e, out of the subsidies of London and Bristoll, during life. vii rotulo.

The 28th of June in the first yeare of king Richard the third, the 6th day after
that kings coronation, hee was created Earle of Nottingham to him and the heires
males of his body, with the yearly fee of twenty pound out of the Sherifwicks | of 564
Nottingham and Derby.

The 26th of October in the first yeare of King Henry the seaventh, hee was pat: 1. H. 7. ps. 3.
created Earle Marshall at the kings pleasure, with twenty pound fee. The

cart. 4. H. 7. m. 13.
cart. subfigillo in
cast. de Berkeley.

The 19th of February next after in the same first yeare of Henry the seaventh, hee was created Earle Mareſchall and great Mareſchall of England, to him and the heires males of his body, with twenty pound fee; And by reason of a mistake in these tres patents about the said fee of twenty pound, (as I take it,) had a new grant, the . 17th of february in the fifth of Henry the seaventh, of the same dignity.

memor. Scöii.
pasch. 4. H. 7
rot. 6 exparte
rem. regis.

The 28th of January in the 4th of Henry the seaventh, hee was created Marques Berkeley, to him and the heires males of his body, with thirty five pound fee out of the lesser customs of London.

His late suites.

carta in castro de
Berkeley.

Havinge compounded with his motherinlawe the lady Jone, and thereby drawn into his own possession all the mannors and lands which shee was to have held in Joynture and dower, which was one of his first and wisest works after the death of his father, (wherein hee found her kind above the comon condition of stepmothers), as formerly is declared, His next was the procuringe of a pardon and release from king Edward the fourth for his intrusion into the Castle of Berkeley and other his lands descended unto him after the death of his father, in the Countyes of Glouc., Somersfet, and Hereford, and of all debts, Accompts, fynes, forfeitures, amerciaments, and other demaunds, which had any manner of ways before that time accrewed to the kinge; which bearing date the ninth of March in the fifth of that king, hath a marginall note in the originall record, (vacat quia aliter in anno quarto,) But in that fourth yeare, it is not now to be found.

pat: 5. E. 4. pars.
1. m: 22.

Rot. fin. 3. E. 4.
in vlt.
565

And though a writ of diem clausit extremū was within ten days after his father James death, sued out by him the fifth of December in the third yeare of king Edward the fourth, directed to the Escheator of | the County of Glouc., yet noe Inquisition was thereupon taken, through the controversies which forthwith upon the lord James death began the stream afresh between this lord Willm and the said Margaret Countesse of Shroesbury, (two mercilesse natures not unevenly encountinge,) which omission drave this lord Willm to the foresaid pardon; which done, and havinge thereby set his estate rectus in curia, hee soone turned himself by a contrary course upon the said widowe, malicious Margaret Countess of Shrewsbury, whose mutuall hatreds each to other, ended not before their breaths: Against whom hee exhibited a petition to king Edward the fourth by the name of his Alder liege-lord, Shewing therein, how that hee, (this L^d Willm,) ought by right to have and inherite the manors of Wotton, Symondfall, Cowley, Newleyes and Sagisflond;
And

vetus manuscr. in
castro de Berkel:

And how that the late Earle of Shroesbury and the Lord Lisle his son, (since dead,) and the said Margaret his Countess, tooke his father, his brethren, and himself by their practice with one Rice their servant and porter, in their Castle in the night time, and there imprisoned them in places apart, And constrained them to seale writings and acknowledge Statutes to fifteen thousand pounds and more ; And also tooke and imprisoned the wife of the said James in Gloucester Castle, to which time shee by Dures of imprisonment there dyed : (then follow divers lines worne out with wet,) And therefore beinge not to bee helped by the strictnes of the laws, prayeth that his Judges and other learned of the lond by his authority may call the said Countess, and heare & determine their interests and rights ; And hee will bee ready to stand to and abide their order therein ; Thus that old writinge.

It may seeme, that the king referred over the consideration of this petition to the lord Chancellor, to whom the said Countesse (upon notice) addresseth herself by her counterpetition ; And by way of recrimination grievously complaineth of the great and manifold wrongs offered to her and her tenants of Wotton, Symondsfall, and other lands by this lord Wiltm, who (saith shee) without any title or cause of right, with many riotous people, brake into her manor house of Wotton, sawed the great window timber and posts asunder, razed the walls, iron works and windows, carrying away the barrs and goods of her husband and self and her son to a great value ; for satisfaction whereof Statutes were given which yet in substance are unpaid : for which forcible entry an action upon the statute of Richard the second was brought, and a recovery therein had ; but the said Wiltm lord Berkeley, neither dreading God, the kinge, | the breach of his lawes, nor the wrongs nor oppressions of the kings leige people and subjects, dayly vexeth and troubleth her, in forbidding her rents, woodfales, and other profits of the said manors, and menaceth her officers, servants, and tenants, that they dare not imploy themselves in her service ; Soe that shee can neither have her debt of him, nor enjoy her lawfull old inheritance, And therein prayeth releefe :

vetus manuscr. in
castro de Berkeley.

566

Hereto this lord Wiltm maketh a kind of remonstrance, shewing y^e his father and mother, himself, and his brethren, have suffered as great injuries and oppressions at the hands of the said Countesse, as ever did any of their worship, or lesse, within the Realme.

vetus manuscr. in
castro de Berk.

But this lord Wiltm upon a second deliberacon, to draw these troubles into a readier way for tryall, exhibiteth his bill of complaint into the Chancery, the sixth yeare of the said king Edward the fourth ; And sheweth, **T**hat shortly after the death

Bill in Canc. 6.
E. 4. in turre.
exempl.

death of the lord James his father, the said Countesse of her evill disposition damnably imagining and purposing the utter destruction of him, and his perpetuall disinherison, where hee intended to have ridden from London to have seen his livelyhood, and to have communed with such as had estate in his said manors and lands afore that time, the said Countess havinge knowledge of his intent of departing, intreated and hired one called Chamberlen, being a sanctuary man at Westminster, to have accompanied himselfe strongly and to have murdered him the said Wittm by the way ; The which act the said Chamberlen enterprised and tooke upon him to doe ; And after, that the said matter was disclosed to a well disposed man called M^r Thomas Oldbury, And hee perceiving the said great mischeife and murther like to fall, stirred and moved the said Chamberlen to give warning to him the said Wittm, And soe hee did ; And afterwards the said Chamberlen brought certaine servants of his the said Williams into a secret place to heare a servant of the said Countesse, which exorted and stirred the said Chamberlen to perform and fullfill the intent of all the murder aforesaid, as it shall bee evidently proved ; And since that time the said Countesse hath divers times moved and stirred and sent writings to one Thomas Holt that had the keepinge of his Castle of Berkeley, as servant to him, That hee should keep the said Castle to the behoofe of her the said

567 Countesse, And | that hee should keep out of the said Castle him the said Wittm, to his utter disherison and finall destruction ; which writing is, and at all times shall bee ready to bee shewed ; And soe the said Countesse both keepeth away the livelode of him the said Wittm, and continually laboreth to have his body and lands in execution, to the utter destruction of his person, livelode, and goods. Thus the bill.

Answer in Canc.
6. E. 4. in turre
londinenfi.

To this bill the said Countesse answereth ; **That** where the said Wittm lord Berkeley of his finfull and seditious imagination, intendinge to estrange her from the lord Chancellors grace and right wise favor, untruly and damnably accuseth her of that shee should have intreated and hired one Chamberlen a sanctuary man of Westminster to have murdered him in his going home into his Country, which had been too abhominable for a christian creature to have done, whereof as God knoweth, shee was never guilty in deed nor thought ; And that shee is, and allways shall bee ready to prove and declare her self off, as can be thought most convenient and behoofefull to bee done ; And beseecheth that there may bee such order and direction fet and taken in this matter for the punishment of the untruth therupon, That the said Wittm and other of such damnable disposition may have cause of dread to accuse any of the estates of this Realme wrongfully of soe great a crime, and according to a Statute in that case provided : And as touching the sanctuary man,

man, that hee should have enterprized that foule deed, It was soe that the said W^{ill}m Berkeley for such consideracons as moved him, tooke the sanctuary of Westminster, And that sanctuary man perceived a servant of her the said Countess hearing masse in Westminster church, and came to him and told him, That S^r W^{ill}m Berkeley had taken sanctuary there; And hee asked the said Countess servant whether the said W^{ill}m Berkeley were through with the said Countess for such bonds as it was said shee had of him; And the said Countesse servant said, nay. Then said Chamberlen, That if shee had any suites against him, for a reward hee would find the way how an officer should meet with him and arrest him; And thereupon there was divers writs of *capias vtlagatum* directed to severall Sherifes upon divers outlayries pronounced against the said W^{ill}m, which yet standeth in their forces, and an officer of the kings purveyed to have executed it, if | hee might 568 have been met without the sanctuary, which the sanctuary man enterprized to bring about; And other matter or desire then this was there never any with that sanctuary man by her the said Countesse, nor any of her servants by her commandment: And for the more proof of the same, the said W^{ill}m Berkeley the 4th yeare of the kings raigne, raised such a foule slanderous fame against the said Countesse of the same matter, which came to the Abbot of Westminster his eare; And the Abbot sent for the said Chamberlen, and called to him his Archdeacon and other persons, and examined the said Chamberlen of his demeaninge in that behalfe; And upon his own confession, for soe much as such a heinous noise of an intended mischiefe was made and had without cause, as hee confessed himself and by his assent, the Abbot decreed him to bee had to an open place in the sanctuary of punishment and reproofe, And made him to bee arayed in papires painted with signes of untroth, sedition, and doubleness, And was made to goe before the procession in that aray, and afterwards soe set in the stocks, that the people might behold him: And whereas the said W^{ill}m Berkeley complaineth him of that, That the said Countesse should have moved, stirred, and sent writings to one Thomas Holt that had the keeping of the said Castle of Berkeley, That hee should keep the said Castle to the behoofe of her the said Countesse, The same Countesse saith, That shee was seized of the same Castle in her demesne as of fee till shee was disseised by the foresaid James lord Berkeley, this W^{ill}m, and his brethren; And afterwards shee wrote and desired the said Thomas Holt to have delivered her the said Castle, or to have kept it to her use, according to her right and title, as lawfull was for her: Thus shee.

To this answer of the Countesse this lord W^{ill}m replied, maintaining his bill to bee true; **And** the Countesse rejoyned, maintaining her answer, whereby they descended

descended to issue ; but before any witnesses were examined on either part, or any further proceeding thereupon had, (for any thing I have found,) the said Countesse dyed, the 14th of June next in the seaventh | yeare of the said king Edward the fourth, Anno . 1468, as formerly in the life of Thomas the fourth her grandfather, is declared : And by her death left to Thomas Talbot viscount Lisle her grandchild and heir, the manors of Wotton, Symondfall, the burrowe of Wotton, the moytie of the manor of Erlingham, and divers messuages, lands, Tenements, and fishings in Erlingham, Cromhall, Alkington, Hurst, Dursley, Nibley, Shernecliffe, Kingscote, and of the sixth part of the manor of Acton Ilger, and Iron Acton, and of divers lands in Horwood, Morecote, and Glouc., the manor of Wike by Arlingham, Sagefplace and Sageflond in Slimbridge, the hundred of Wotton late called the hundred of Berkeley, and the Advowson of the Church of Wotton in the County of Glouc. ;

To all which this lord Wistm pretended title ; And which by a petition made the fifteenth of November before the Countesse death between herselfe and the Dutches Eleanor and the lady Elizabeth, her sisters, were allotted to her in severalty in lieu of other lands thereby allotted to her other sisters ; To some also whereof, (as the manor of Cowley and the manor of Porteshened allotted to the said Dutcheffe and also to Limeridge wood in Portbury allotted to the said Elizabeth,) this lord Wistm also pretended title : And also by her death descended to her said grandchild, the manor of Sages in the parish of Slimbridge, and the advowsons of the Chantries of St Giles in Hillefly, and of St John baptist in Wortly by Wotton, (mentioned in the offices found after the deaths of the said Countess and dutches the same yeare,) whereto likewise this lord Wistm pretended title ; The said Viscount Lisle, then being of the age of nineteen years and upwards and maryed to Margaret daughter of William Herbert Earle of Penbroke, then residing at Wotton.

And thus in this yeare, (which was of jubile to this lord,) death rid him of three great lady widowes his great adversaries, the said Countess Margaret, Dutches Alienor, and vicontesse Jone late wife of John viscount Lisle ; And the 26th of Oôtober the same year were all the manors and lands of the said Countess Margaret and viscontesse Jone comitted by the king to the said Earle of Penbroke, during the minority of the said Thomas Talbot viscount Lisle, his son in lawe.

What angry charge or motherly command the said Countess Margaret left to her ward and grandchild Thomas Viscount Lisle, for pursute | of these titles against her enemy this lord Wistm, charity forbiddeth mee to conjecture ; Sure I am shee left in him an high spirit, fostered by malignant attendants mortally hatinge this lord

569
Escaet. 7. E. 4.
nº 20.

carta. 15: Nov. 6.
E. 4. in castro de
Berkel :

Escha : in turre
lond : 7. E. 4.
nº 20.
Comp. escaetor.
15. E. 4. rot 9.
in sc^acio.
memor : sc^acij.
Mich. 1. E. 4.
rot. 25. ex pte
rem : thes.
Rot. cur : de
Wotton 7. E. 4. in
castro de Berkeley.

fine 7. E. 4. in
banc.
pat. 7. E. 4. pars.
2. m : 3. 5.

pat. dat : 6 Julij
1. E. 4.
570
Mich : rec : 1. E.
4. in sc^acio cum
rem. regis rot. 25.

lord Witm, who forthwith fell into the plotts of the said Countesse; And havinge their maine Ayme (as hers was) to get from him this Castle of Berkeley, which hee now kept as his sanctuary and subterfuge from detts utlagaryes Statutes and the like; And which if they had effected, by all probability hee had been ruined; They fell in practise againe with the said Thomas Holt, then also his keeper of Whitcliffe parke, whom they corrupted, and with Maurice King porter of his Castle gates: The method of which trecherous plott and treaty the tres bonds and patents that passed between them and Robert Veell the viscounts Engineer, which to this day remaine in Berkeley Castle, shall speake themselves in their own language.

cart et muniment
in castro de
Berkeley.

Maurice Kinge, I grete you well and hartely pray you as you will your one wellfare, and as I may shewe you such true and faithfull good will and kindness as of old time hath bene and continued between us, according to our oathes and enurance, the which I have in mind and ever shall have; and spetially for the great truth and faithfull love that I found in you at the appointment between the lord Berkeley that now is, and us; and by the token that when M^r. Thomas had gave up the matter and failed us, That ye and I yede into the Chapple out of the great chamber, And there I found you true, as you ever have bene hyderto; And by the token that wee lay togeder at Micheldene in one bed, and comuned there of such purposos as now is brought to the poynt, which will not faile, foe God bee pleased, wherein I suppose you know my old dealing; wherefore by the tokens afore rehearsed, I heartely pray you for all the lovis that hath been between us, and as you will your own wele, That ye wele geve very faythfull credence unto M^r. Robert Vele, which ye know for a worshipfull gentleman and never non haster, but his worship is known nie you, and me: And such assurance my lord and I have taken about the matter, that of my life ye may trust thereto, wherein also I will that ye take the same furete of him, and care that your comunication bee secret between ye, And upon both your comunication y^e ye do agree well togeder what night ye may in hasty time speke with mee, which shall be to your perpetuall weal, And thus I leave you wth goddis grace.

Thomas Holt to
Maurice Kinge.

A chaplein

vifc: life.

By your sworn brother in the Parke of Whitcliffe in the out house without the logge. Thomas Holt. |

My most trusty and welbeloved frend, I grete ye wele, praying ye hartely That ye will remember the matter that ye and I comoned of last; And for your matter, it is spede, your patent is spede of five markes and Wotton parke, with all that belongeth theirto, and your obligacon also, and all other that ye understand that can prevaile you to grant them; fee by patent, terme of life.

57^I
The same Holt to
the same Kinge.

Nowe take the obligaçon and condiçon.

Vele to Kinge. **Rob't** Vni^ursi p presentes me Rober^tm Vele teneri et firmiter obligari Mauricio Kinge in centum libris sterlingo^rm legalis monete Anglie, Solvend^t eidem Mauri^c Kinge heredibus aut assigna^t suis in festo purifica^ois beate Marie virgiⁿi proximè futuro post da^tm p^resentiū, Ad quā quidem solu^oem bene et fideliter faciend^t obligo me heredes et executo^r meos per presentes, In cujus rei testimoniū huic p^resenti scripto sigillum meū apposui, da^t. 26^o die Janua^ri Anno regni Regis Edwardi quarti, Nono.

The Condition of this obligation is such, That if the Castle of Berkeley bee brought into the hands of Thomas Talbot lord Lisle by the faithfull help guyding and means of the said Maurice Kinge, And thereupon, That y^e said Maurice have his sufficient patent delivered him under the seale of Armes of the said lord Lisle, of the park of Wotton with the fees and wages of the keeping of the same of old time due and accustomed; And moreover by the same patent have five marks annuite duringe his life to bee had and received yearly of the lordship and revenues of Wotton; That then this obligation to bee void, or els it doe stand in his full strength and vertue.

Take also the patent.

lord lisle his pat.
to Kinge

Omnibus xpi fidelibus ad quos p^resens scrip^tm pervenerit, Thomas Talbot vicecomes Lisle, salutem in dno; Sciatis me p^resat^m vi^c Lisle in fidelitate dilecti mihi Mauricii Kinge plenè confidentem, pro bono et gratuito servicio suo mihi et here^d meis impendend^t, concessisse eidē Mauricio officium custodis parci mei de Wotton sub^tus Egge in Co^m Glouc^r, ac ferarū ib^m existeⁿ, et ip^sm custodem eo^rdem ordino et per p^resentes constituo: Habend^t et occupand^t et exercend^t officiū p^redict^m pro termⁱ vite sue, Capiend^t pro officio p^redict^m exercend^t anuatim feoda et vadia eidē officio de antiquo debita et consueta; Ac | etiam sciatis me p^resat^m vi^c concessisse eidem Mauricio Kinge quendā anualē reddi^tm quinque marca^r exeunt de et in o^mib^us terris et teⁿtis meis in Wotton sub Egge in Co^m Glouc^r; Habend^t et percipiend^t reddi^tm p^redict^m aⁿuatim p^resato Mauricio ad termⁱ vite sue: In cuius rei testimoniū p^resentibus Sigill^m meū apposui, da^t 26^o die Januarij Anno regni Regis Edwardi quarti post conquest^m Anglie, Nono.

572

carta cum Willmo
Throgmorton
baronett.

This Robert Vele at this time was owner of Tortworth Charfeild and Huntingford, which last hee held of the viscounts said manor of Wotton by knights service; whose well contriving of this plott foe highly pleased the said viscount, That by his
other

other deed under his feale of Armes of the same date, hee gave to Wiltm Vele his second brother, (or rather to him the said Robert in his brothers name,) the office of Stewardship of his manor of Wotton, and the office of keepership of his chace of Michaelwood, with the yearly fee of—13^{li} 6^s 8^d—for exercise thereof, to bee issuing out of his manor of Wotton, payable at the feasts of Ester and of S^t Michael by equall portions: **Which** manor and chafe are adjoyning to the other lands of the said Roberts.

This plot thus contrived and brought to ripenes was soon after revealed to this lord Wiltm, And, as I take it, by Maurice Kinge himselfe, whereby in all probability the ruin of the person of this lord W^m was prevented; And how deeply the blowe had also pearced into the posterity of this family, I take noe comfort to consider.

The viscount Lisle understanding by the flight of Holt and his repair to him how the plot was discovered, And the former writings under the feales of Armes of himself and Robert Vele come to the possession of his enemy the lord Wiltm, hee then begins to unmask himselfe, & openly to act his ill cogitations, whereby may bee read the former purposes of himself and his Counsell; **And** let the frute of the tre of challenge which from Wotton hee writes to this lord Wiltm tell us the nature of the tree; **Thus**,

William called lord Berkeley, I marveill ye come not forth with all your Carts of gunnes, bowes, with oder ordinance, that ye fet forward to come to my manor of Wotton to bete it down upon my head: | I let you wit, ye shall not nede to come 573
foe nye; for I trust to God to mete you nere home with English men of my one nation and neighbors, whereas ye by futtle craft have blowin about in divers places of England, That I should intend to bring in Welshmen for to destroy and hurt my one nation and Cuntry; I lete the wit, I was never foe disposed, nere never will bee; And to the proof hereof, I require thee of knighthood and of manhood to appoynt a day to meet me half way, there to try between God and our two hands, all our quarrell and title of right, for to eschew the shedding of Christian menns blood, or els at the same day bringe the uttermost of thy power, and I shall mete thee; An answere of this by writinge, as ye will abide by, according to the honor and order of knighthood.

Thomas Talbot the Viscont Lisle.

This tre was sent the nineteenth day of March in the tenth year of king Edward the fourth, Anno: 1469. about seaven weeks after the former plot was contrived;

Escha: post mort.
Marg:Com:Salop:
7. E. 4.
rot. fin. 9. E. 4.

Inq : post mort
 Tho : Talbot : 10.
 E. 4. in Com :
 Gloucest
 pat. 9. E. 4. ps. 1.
 m. 1.
 fin : 10. E. 4. m : vlt.
 vetus exten^t terrarⁱ
 in castro de
 Berkeley.

contrived ; The said viscont then somewhat under the age of twenty two yeares, having fued his livery but the 14th of July before, whose lands then valued 1873 : marks twelve shillings and three pence in old rent : And the lady Margaret his wife then priviment ensent with her first child.

This lord Wittm receiving this tre at Berkeley Castle, the same day returneth this answer.

Thomas Talbot, otherwise called viscont Lisle, not longe continued in that name but a new found thing brought out of Strange Contryes : I marveill greatly of thy strange and lewd writinge, made I suppose by thy false untrue Counsell that thou hast with thee, Hugh Mull, and Holt : As for Hugh Mull it is not unknown to all the worshipfull men of this Relme, how hee is attaynt of falsenes and rasinge of the kings records ; And as for the false mischevous Holt, what his rule hath be to the destruction of the kings lege pepull in my lordship of Berkeley, aswell to the hurt of their bodyes, as the losse of their goods, against Goddys lawe, consciens, and all reason, it is openly known, Soe that every worshipfull man should refuse to have them in his fellowship ; And also of his own free will undesired of mee, before worshipfull and sufficient witnes, was sworn on a masse booke, That hee never should bee a | gainst mee in noe matter that I had a doe, and espetially in that untrue title that ye clayme, which ye hold my lyvelode with wronge ; **And** where thou requirest mee of knighthood That I should appoynt a day and mete thee in the myd way between my manor of Wotton and my Castle of Berkeley, there to try betwyxt God and our two hands all our quarrell and title of right, for to eschewe the schedding of Christen mens bloud, or els the same day to bring the uttermost of my power, and thou would mete me : **As** for the determining betwixt our two hands of thy untrue clayme, and my title and right of my land and inheritance, thou wottest right well there is noe such determinacon of land in this Relme used, And I ascertaine thee That my livelode, aswell my manor of Wotton as my Castle of Berkeley, be entayled to mee by fine of record in the kings Courts by the advice of all the Judges of this lond in that dayes being ; And if it were foe That this matter might bee determined by thy honds and myne, the king our Sovereigne lord and his laws not offended, thou shouldst not so longe desire but I would assoone answere thee, in every poynt that belongeth to a knight : for thou art, God I take to record, in a false quarrell, and I in a true defence and title : **And** where thou desirest and requirest mee of knighthood and of manhood to appoynt a day, And that I should bee there with all the power that I could make, and that thou would mete mee
 half

half way, I will thou understand, I will not bring the tenth part that I can make, And I will appoint a short day to ease thy malicious hart and thy false Counsell that is with thee: faile not to morrow to be at Niblyes green at eight or nyne of the clock, And I will not faile with Gods might and grace to meete thee at the same place, the which standeth in the borders of the livelode that thou keepest untruly from me, redy to answere thee in all things, That I trust to God it shall be shewed on thee and thine to thy great shame and disworshipp: **And** remember, thy self and thy false Counsell have refused to abide the rule of the grete lordis of this lond, which by my will should have determyned this matter by thy evidences and mine, And therefore I vouch God to record and all the company of heaven, That this fact and the scheddinge of Christen mens bloud which shall be atwixt us two and our fellowshipp, if any hap to bee, doth grow of thy quarryll, and not of mee, but in my defence, and in eschewing of reproche, and onely through thy malicious and mischevoufe purpose | and of thy false Counsell, and of thy own simple discretion; 575 And keepe thy day, And the trouth shall be shewed by the marcy of God.

William lord of Berkeley.

The day and place is kept by both parties, The battle is stroke, and the lord viscount Lisle is slaine with some others of his fellowshipp.¹

At this time both before and after the State was in much combustion, for upon the 13th of this March, seaven days before this skirmish, the king declared by his proclamation in all shires his victory against the rebells in Lincolne Shire and their Captaine S^r Robert Wells: **And** the 21th of Mar: (the next day after this lord Lises death,) the king proclaimes his brother the Duke of Clarence and Richard Nevill Earle of Warrwicke, then in Arms in Lancashire, to bee Traytors and Rebells, with the reasons leading him therunto; whereby that trobled time was soe farr from takeing notice of this ryot, That the 26th of that month the king sent his Comission to this lord Witm to find out such rebells as had been against him in this County of Glouc: **And** at Ester in the 11th of his raigne was the battle of Barnet, with the death of the said Richard Nevill Earle of Warrwicke; And the 27th of Aprill proclamations as before of treason against the wife of Henry the sixth and prince Edward her son; Soe noe time to take notice of these Nibley tumults.

And in the 13th of this kinge was this lord Witm spetially employed wth Anthony Earle Ryvers, for the discovery of Traytors and their goods in the Counties of Gloucester, Worcester, and others.

Margaret

Rot. fine: 10. E. 4.
m: vlt: test: 28.
marcij in. 10. Co^m.
claus: 10. E. 4.
dorfo.

pat: 10. E. 4. m:
7. in dorfo.
claus: 11. E. 4.
m. vlt:

pat: 13. E. 4. pars.
2. in dorfo.

¹ An interesting account of the great Berkeley Law Suit and of this battle, by Mr. J. H. COOKE, is given in the *Transactions of the Bristol and Gloucestershire Archæol. Society*, Vol. III., p. 305.—[Ed.]

Trin: term: 11. E.
4. rot. 8. 18. et. 81.

Margaret the widowe of the said viscount daughter of the Earle of Penbroke, for the death of her husband, bringeth her appeale against this lord, by the name of William Berkeley of Berkeley knight, Maurice Berkley and Thomas Berkeley his brethren, James Hiet Esq^r, John Beley, Richard Hilp, and others; **And** after as many delays used by the defendants as might bee invented, And after a certificat enforced out of the Exchequer, That such a liberty as Barkeley hundred was with return of writs, (the Sherrives of the County in their returnes of the proces favouring the delayes,) The said Margaret, in Ester terme in the 12th year of Edward the fourth, declared against the said Beley, (who only appeared as principall,) That hee of malice prepened the Twentieth day of March in the Tenth yeare of the said
576 kinge, at Nibley at ten of the clock in the forenoone, feloniously | with the said S^r Wittm Berkeley, Maurice and Thomas his brothers, James Hiet, Richard Hilp and others, stroke her said husband with an arrowe on the least part of his face to the braine, And after with a dagger thrust him into the least side; &c. Beley demands judgment upon the originall writ, because there was (saith hee) never any such man as Richard Hilp, therein named, (an other delay,) **And** to the fact pleadeth not guilty. Shee pursueth the rest of the defendants by proces untill the 6th day of October in the twelvth of the same kinge, when the parliament beginneth at Westminster, whereat upon the joynt petition of this lord W^m and of Ione his wife, and of the said Margaret viscountesse Lisle, it was enacted, That for the appeasing divers and many great variances and other exorbitant causes and quarrells between them moved and of longe time continued, That the said lord Berkeley and his wife and the heires of the said lord should quietly enjoy the manor and burrowe of Wotton Vnderedge, and the manors of Simondsfall and Arlingham, against the said viscountesse, paying to her one hundred pounds yearly at S^t Peters Church at Gloucester at the fower usuall feasts in the yeare, of equall portions, with a claufe of distresse in the said manors, and a nomine penæ of five pound for non payment after fourty dayes; And a re-entry and holding for her life without impeachment of waft for non payment after a yeare and three monthes: Savinge to every other person their estate title and interest in the said manors; And with a provisoe, that this Act should not bee prejudiciall to the said lord Wittm and his wife nor to the heires of the said lord, for their right title and interest in and to the said manors.

Rot. parliam: 12.
E. 4. m: 26.

carta exempl: in
castro de Berkeley.

pat: 12. E. 4. pars.
1. m: 21.
carta in castro de
Berkeley. sub
figillo dat. 1.
Marcij. 11. E. 4.

And the first and 16th of March in the said 11th yeare, for the syne of fourty shillings, this lord Wittm had a confirmacon of all his old chires of Berkeley and Bedminster granted to his Ancestors by Henry the second, Richard the first, kinge John, and by Edward the third, upon oath made in Chancery that the same were casuallly lost, as by the roll and parchment is suggested.

Shortly

Shortly after peace thus established between this lord Withm and viscountesse Lisle, shee maryed Henry Bodrugan of Bodrugan in Cornwall Esq^r, whose acquitances shew the receipt of this hundred pounds many years after: In readinge whereof I have observed, That shee allways wrote her name before her husbands, And hee onely wrote, Bodrugan, without his Christian name; **What** bad and good conditions were in him let the | parliament rolls in the 14th of Edward the fourth, and other records here marginally vouched declare.¹

Acq : in castro de Berkeley.

Rot. parl: 14. E. 4. m: 1. 20. 26.

577
pat. 14. E. 4. ps. 2. dorfo. m. 20. et. a^l.

For further manifestation of the day of battle and manner of the death of the said viscount Lisle, are the writs into ten Counties to enquire after his death, dated the Twentieth day of March in the Tenth of Edward the fourth, And an office in the County of Stafford the same yeare, And another under the great seale in the County of Glouc: (whereof the originall is perished,) at Berkeley Castle; And the kings licence dated at Banbury the sixth of Aprill in the Tenth of Edward the fourth, to Elizabeth and Margaret his sisters and heirs to enter into the manors and lands that were the said viscounts their brothers: Before which time, (being but sixteen days after their brothers death,) their sister in lawe the viscountesse seemes to have been delivered of her child, whom (perhaps) forrow for the untimely death of her husband, (lamenting like a virgin girded in sackcloth for the husband of her youth, as the prophet Ioell hath,) cast into an abortive travell: And the more probable because the same day, perhaps the same hour, of this victory, this lord Withm with his riotous company advanced forwards to Wotton, where shee then was, rifled her house, And thence, (amongst other pillages,) brought away to Berkeley Castle many of the Deeds and evidences of the said Viscounts own undoubted lands, many of which remaine there to this day; Togeather with a peece of Arras, wherein the Armes of the Viscount and of the lady Jone his mother, daughter and coheire of S^t Thomas Chedder, were wrought, which twenty years agoe I there also sawe.

post mort. Tho : Talbot
fin: 10. E. 4. m: ult.
pat. 9. E. 4. ps. 1. m. 1.
pat. 10. E. 4. m: 11.
orig: in sc^acio eodē anno rot. 16.
orig: 10. E. 4. rot. 11. et. 15. in sc^acio.
claus: 10. E. 4. m. 7. in dorfo.

Joell chap: 1. verfe. 8.

Many steps not yet worn out poynt unto this family how strongly the said viscountesse and other her frends, with the kindred of her husb^d, pursued this lord Withm Maurice and Thomas his brethren for the death of the viscount her husband; infomuch as to acquit Phillip Mead, (whose daughter the said Maurice Berkeley had maryed, as after followeth in the relation of his life,) and of John Shipward, two Marchants of Bristoll, The Maior of that City the second day of May next after,

examined

¹ Sir HENRY BODRUGAN was attainted and convicted of treason, 9 Nov., 1487. As he escaped to Foreign Countries the date of his death is not known, but it occurred before 1503. The Viscountess predeceased him. See *History of Trigg Minor*, Vol. I., pp. 553, 555.—[Ed.]

carta in castro de
Berkeley.

578

comp : Recept. in
castro de Berkel :

examined twenty feaverall psons upon oath upon suspition conceived against them, to have sent Armed men in manner of warre to the aid of this lord Wittm Berkeley, against the lord Lisle ; All which Examimates acquit them of that scandall and imputation, faith the said Maiors testimoniall, yet extant under the seale of that City : Howbeit I have seen other notes | and memorialls of a stronger dye That assure mee That many came both from that City, procured by Maurice and them, and out of the forrest of Deane, that morning wherein the skirmish was, to the ayd of this lord Wittm : And from Thornbury, (of whence the said Richard Hilp was,) and where the said Maurice Berkeley then dwelt, came both himself and all the strength that on soe short a somons hee could make : And if traditions might bee here allowed, I would assure this noble family, That within thirty two yeares last, by reason of my dwelling at Nibley, and of my often resort to Wotton and to the villages adjoyning, I have often heard many old men and weomen in those places, as Wittm Longe, John Cole, Thomas Phelps, Adrian Jobbins, Thomas Dykes of Woodford, Thomas Roberts of Woodford, Wittm Legge of Wike, John Smyth of Nibley, mother Birton, mother Purnell, mother Peeter, and others, many of whose parents lived in the time of king Edward the fourth, and most of themselves were born in the time of king Henry the seaventh, as their leases and copies declared, some of them one hundred and ten yeares old, divers an hundred, and none under fourscore, relate the reports of their parents kinsfolks and neighbours present at this skirmish, some with the one lord, and others with the other ; and of such as carryed victualls and weapons to some of those companies, as this lords party lay close in the utter skirts of Michaellwood chace, out of which this lord Berkeley brake, when hee first beheld the lord Lisle with his fellowship discending down that hill from Nibley Church, and after climbed up into trees, (being then boys of twelve and sixteen yeares,) to see the battle : And how the lord Berkeleys number was about one thousand, and exceeded the other in greatnes : That the place of stand was at fowleshard, whence this lord Wittm sent upon the lord Lisle the first shower of his arrowes ; That one black Will, (soe called) should shoot the lord Lisle, as his beaver was up ; And that Thomas Longe father of the said Wittm was servant to one of them who helped to carry the lord Lisle when hee was slayne, and of many other perticularities, (which I purposely omit,) not possible almost by such plaine Country people to be fained : And that a spetiall man of the lord Lisles company was then also slaine, and buried under the great stone tomb which yet remaines in the south side of Nibley Church yard ; insomuch as I cannot otherwise but deliver them as | truths ; And much the rather for the full discourse thereof which old Mr Charles Hiet, (whose great grandfather James is one of the Def^s in the said appeale,)

579

appeale,) had with the lord Henry Berkeley at Berkeley Castle the 25th of September. 1603, which my self then heard foe perticularly delivered from the relation of his father and grandfather as if the same had been but yesterday : The said lord Henry himselfe seconding most of what M^r Hiet related, from the reports of divers others made to himselfe in his youth, some of whom were then born and of the age of discretion, as his L^{dps} then affirmed : But enough of these traditions and reports, wherein I have exceeded mine own Inclination because this passage is of most remarkableness in this family ; And the blood now spilt was not cleane dryed up till the seaventh year of kinge James, as after in many places of these relations appeareth : And thus did all the sons joyne in revenge of the innocent blood of that virtuous and princely lady Isable their mother, malitioussly spilt at Gloucester seaventeen yeares before by Margaret this viscounts grandmother, and whose heire and ward hee was : And this wound stroke the deeper for that the blowe thereof swept away all her issue male from the earth, And in the same quarrell where[i]n the blood of the said lady Berkeley was shed, as formerly is written.

fols : [528, 529]

Of this skirmish Camden writeth, That Wotton underedge yet remembreth the slaughter of Thomas Talbot viscount Lisle here slaine in the time of king Edward the fourth in an encounter with the lord Berkeley about possessions, since which time have continued suites between their posterities, untill now lately they were finally compounded.

Camden Brit :
in Com. Glouc.
fo : 464.

Upon the death of the said viscount Lisle this lord Wittm entred also into the mannors of Wotton forren, Wotton burrowe, Simondfall, Arlingham, and Sages, and into the Newleyes and the Warth in Slimbridge, and into divers other lands in Kingscote, Horwood, Acton, Cromhall, and other Hamletts thereabouts, which had been the inheritance of his father James : **Howbeit** this lords possession was not three yeares peaceable, (though hee had pleased the Kitchen of the viscountesse with one hundred pound annuity, and her bed with a youthfull husband,) before hee was powerfully set upon by S^r Edward Grey, his mothers grandchild, as being second son to Elizabeth Lady fferrars daughter of the lady Isable, this lord Wittms mother, as before hath been declared : who by | mariage of Elizabeth eldest sister and coheire of the said Thomas Talbot, as in her right the 14th of March in the fifteenth of king Edward the fourth created lord Lisle, And after created viscount Lisle by king Richard the third, in the first yeare of his raigne, what time Margaret her other sister and fellowe coheire, maryed to S^r George Vere, was dead without issue.

Esch : 9. 10. E. 4.
origin : 10. E. 4. rot.
11 : et. 15. in sc^acio.
origin : 11. E. 4.
rot : 15. in. sc^acio
origin : 15. E. 4.
rot. 26. in sc^acio
cm rem. thes :

580

cart. 15. E. 4. m.
vlt.
pat. 18. H. 7.
pars. 2.

Between

carta counsell : in
castro de Berkeley.

claus : 22. E. 4. in
Canc :

581

Between these two, this S^r Edward Grey, and this lord Wiſſm, was longe toſſed with equall malice and greatnes the title of theſe manors and lands, like a ball of diſcord, taken up and banded, with much toyle and expence ; untill by the mediation of Thomas Grey Marques Dorſet, elder brothers ſon to the ſaid lord Grey, (frend alſo and near kinfman to the ſaid Wiſſm,) It was by Indenture dated the 25th of ffeb : in the 21th of Edward the fourth, agreed between this lord Wiſſm, (then viſcount Berkeley,) on the one part, And the [ſaid] Edward Grey lord Liſle and Elizabeth his wife on the other parte, That for the ſetling of thoſe great diſcords, quarrells and debates, which of longe time had been for the burrowe and manors of Wotton underedge and Simondſfall, the advowſon of Wotton Church, the rent of aſſize of—34^s 4^d in Nibley and Shernecliffe, the ſixth part of the manor of Acton Ilger, Newleyes, the Warth, Sages, Weſtmancotes land in Arlingham &c, That the ſame ſhould bee ſetled to the ſaid viſcount Berkeley and to the heires male of his body, with remainder to the ſaid lord Liſle and Elizabeth his wife and to her heires for ever, by ſyne or otherwiſe : And that the ſaid viſcount Berkeley ſhould grant an Annuity of twenty pound p ann : to them and the heires of the ſaid Elizabeth, going out of the ſaid manors and lands, but to ceaſe upon the death of Margaret Viſcont^ſ Liſle, And then the ſame to bee one hundred pound p ann : Or if the ſaid viſcount Berkeley bee diſcharged of the hundred pounds w^{ch} hee now payeth to the ſaid Margaret, Then the ſaid hundred pounds annuity to begin preſently : And they the ſaid Edward Grey and Elizabeth his wife to bee barred from claiminge any of the ſaid manors, or lands contrary to the purport of this Indenture : Howbeit they fell off from this agreement, but by whoſe default I find not, and betooke themſelves to their former diſcords ; Infomuch as, the ninth of May after, this viſcount Berkeley was convented before the kings Counſell for his miſdemeanor, and there enforced to enter into a recogni|zance of a thouſand pound to appeare againe that time twelve month before the king and his counſell, And in the meane time to doe noe damage to the ſaid Grey lord Liſle, or his ſervants.

And the ſtiſſe purſute of the ſaid lord Liſle againſt this lord Wiſſm Berkeley in nothing more ſtrongly appeareth, then in that hee obtained in the fourth yeare of king Henry the 7th to have the irregular proceedings that were in the thirtieth of Henry the 6th, upon the Statute of the fifth of Richard the ſecond, of forcible entries againſt this lord Berkeley, his father and three brethren at Cirenceſter before Judge Bingham, to bee certifiyd thirty ſeven years after by Margaret Judge Bingham's widow and Executrix ; And to procure the ſame to bee exemplified under the great ſeale of England, notwithstanding all reſiſtances of this lord Berkeley

Berkeley to the contrary, then Earle Marshall and Marques Berkeley; A manifestation of eagernes, potency, and prudence.

During the time of these contentions, this viscount Berkeley was not altogether passive, as warding blowes and returninge none: for with the like weapons of Westminster hall, hee stroke both the lord Lisle, and those that were favored by him.

And not onely himself but his two brethren, Maurice Berkeley and Thomas, assailed John Wenlocke, Nicholas Daunt, John Daunt, John Howell, Clark, and others his especiall mynions with severall actions of false imprisonment, for that by their means and assistance they were taken and imprisoned from the 23^d of September in the 30th of Henry the sixth untill the 10th day of December following; which actions in both Courts were, after issue Joyned and ready for tryall, stayed by Injunction out of the Chancery obtayned by the said Wenlocke upon his bill exhibited against this lord Berkeley and Maurice his brother, untill the matter of the said actions should bee there first heard; wherein Wenlocke declareth at large the great variances that were between them and the Earle of Shroesbury, whom hee then feared in ordinary, for the manors of Wotton, and other lands in the County of Glouc. And how the same were then ended by the mediation of John lord Beauchamp, Withm lord fferrars, and ffortescue and Yelverton Judges, as by their award (faith hee) under their seales ready to bee shewed may appear: But therein hee mistooke, for the false imprisonment was three years after that award, as formerly is declared; yet this false allegation for this time served his turne. | Other some this lord Berkeley by fairer courtes took off from the assistance of his said adversary, (for great gifts are litle gods,) Amongst whom Kenelme Digas by deed under his seale of Armes, promifeth, That for the good lordship which the right noble lord Withm Berkeley knight lord Berkeley of his great nobleness, hath diversly of late time shewed unto him, That hereafter hee will not bee of Counsell against him nor his heires, in his great matter touching the title of the lordship manor and burrowe of Wotton and other manors, of longe time in debate; Soe the words of the deed. Some others there bee of like straine, which I pass by.

At the parliament begun the . 17th of february in the 17th of king Edward the fourth, it is shewed how Richard the kings second son had been created Duke of Yorke and of Norfolke, Earle Marshall, Warren, and of Nottingham, And that for support thereof, the king hath now maryed him to Anne daughter and heire to John

Mich: 15. E. 4.
rot. 56: et. 514. in
banco coi:
Mich. 15. E. 4.
rot. 66. coram
rege.

petitio in Canc:
15. E. 4. pars. 1.

582
carta. 12 April. 14.
E. 4. in castro de
Berkeley.

Rot. parliam. 17.
E: 4. m. vlt.
pat: 17. E. 4.
pars. 2. m. 6.

John late Duke of Norfolke, to the great honor of her and of her bloud, shee being but six years old. **Now** for reasons in this Act laid down, It is enacted, That if shee dye without issue, Then the said Duke of Yorke her husband shall for his life hold the half of fifty nine manors named in this Act, lying in the Counties of Salop, Suffex, Surrey, Middlefex, Leiceſter, Effex, Lincolne, Norfolke, Yorke, Bedford, and Derby; And the moitie of twenty knights fees in divers places, (named in this Act,) besides divers other chafes hundreds and houses, Of which Katharine Dutches of Norfolke holds part for her Joynture: **And** that whereas Elizabeth late wife to the said Duke of Norfolke holds in Joynture and in dower many manors and other great possessions of the said Dukes her late husbands, Now in regard of the great advancement and honor of her daughter Anne with the said Richard the kings son, shee is content to rest fatisfyed with these manors following, and to depart with the residue to her said son in lawe the Duke of Yorke; viz: Duningworth, Hoseley cum Sutton, Staverton cum Bromeswell, &c. in the County of Suffolk, Dalby Chalcombe, Coldoverton, Segrave, Melton Mowbray. &c. in the County of Leiceſter; Bosham and others in the County of Suffex, and with others, (all named in this Act,) in the Counties of Norfolke, Cambridge, Warwike, Derby, and Hereford, which shee is to hold for her life without impeachment of waft; And in regard of her kindnes in departing with the residue, her estate in these is hereby con|firmed, And after to Richard Duke of Yorke for his life against the heires of the said Anne, if shee dye without issue; with a provisoe that this Act bee not pr[e]judiciall to John lord Howard and Margaret his wife for the manor of Pritwell in Effex, nor to Jone wife to Wilm lord Berkeley for the manors of Newſam, Kirkby Malfart, Burton in Londeſdale, Brind, Gribthorp, and Thornewton, in the County of Yorke, to her made by Katharine Dutches of Norfolk her mother, nor bee prejudiciall to S^r Humphry Talbot for th'estate hee hath in Callowdon for his life by the grant of John late Duke of Norfolke. **Which** Act of parliament is after severally exemplified by all the said parties.

583

pat: 17. E. 4. ps. 2.
m: 6.
pat: 18. E. 4. ps. 1.
m: 2. et. 16.

carta in castro
de Berkeley.

In these times also this lord Wilm winneth even the king himself favorably to partake with him in these sutes; an argument both of an haughty spirit, and of a willfull disposition: for the 28th of May in the 16th of king Edward the fourth, It was agreed by Indenture between the king and him, That hee should convey to Richard Duke of Yorke the kings second son, and to the heirs of his body, all such right title and interest as hee hath or claimeth to have in all such manors and lands as for default of issue of John late Duke of Norfolke should come to him the said lord Berkeley; And for default of issue of the body of the said Duke of Yorke, Then to the

John Duke of Norf:
died: 10. Jan: 15.
E. 4.

the king himself and the heires males of his body, The remainder to this lord Wittm and his heirs: And after security foe made, the king on his part promifeth to bee his good and gracious lord according to his lawes, And to cause to bee delivered up unto him all fuch Statutes and Obligations wherein the faid Wittm stands bound to John late Earle of Shroesbury, Margaret his late wife, and to Jn^o Talbot late viscount Lisle or any of them, or els to discharge the same: And if in the mean time this lord Berkeley bee arrested for any of them, the king will discharge him thereof: **The** twentyfirst of Aprill in the 21st of his raigne the king created him viscount Berkeley. **And** for performance of this agreement the faid viscount Berkeley the twentieth of ffebruary following enfeofed the Arch-bishop of Yorke and others, of his Castle and manors of Berkeley, Hame, Appleridge, Alkington, Hinton, Hurst, Slimbridge, Came, and Upton St Leonards; upon condiçon, That if this visco^t Berkeley doe performe the faid Covenants and agreements made between the king and him, contained in the faid Indenture, Then this feoffment to bee void: And foe also that the king at his own charges both require and make fuch conveyances before that time twelvemonth. |

Anne his daughter and heire died. 16. Jan^y 17. E. 4. 1478. Shee was maryed to Richard second son of. E. 4. duke of York 15. Jan: 1478. 17. E. 4. who was also. 7. feb: 16. E. 4. created duke of Norf: and Earle Warren. cart: 16. E. 4. m: 12. pat: 16. E. 4. ps. 2. carta in castro de Berkeley.

Net did not the king foe rely upon this feoffment, but at the parliament begun the twentieth of January after, (whereat this viscount Berkeley was one of the Tryers of forren petitions,) It was at the kings desire, with consent of this viscount Berkeley, enacted, That in confideraçon that the king should discharge him and James Maurice and Thomas his brothers, of fower and thirty thousand pound payable by them and James their late father to the Earle of Shroesbury and Margaret his wife and to John late viscount Lisle their son, And in confideration of other grants to bee made by the king to the faid viscount Berkeley, That all the part and interest which to this viscount Berkeley belonged of all the Castles, honors, lordships, manors, and other hereditaments whatsoever in England, Ireland, Wales, or Calais, which for default of issue of Anne late daughter and heire of John Duke of Norfolke late wife of the faid Richard Duke of Yorke the kings son, ought to come to this viscount Berkeley and his heirs, should remaine to the faid Duke of Yorke and the heires of his body; And for default of fuch issue to the king and the heires males of his body; And for default of fuch issue to vest in this viscount Berkeley and his heires, as though this Aæt had never been made: And that all debts owing by this viscount Berkeley James Thomas and Maurice his brethren, to the king or to the faid Earle of Shroesbury, Margaret his wife, and viscount Lisle, bee discharged, And henceforth bee void.

584

Rot. parli: 22. E. 4. m: 13.

The nynth of Aprill following dyed the faid king Edward^o the fourth, and within a few months after, the kings two fons, king Edward the fifth and his brother

brother Richard the said Duke of Yorke, were murdered by their unnaturall unckle and protector Richard Duke of Gloucester called Richard the third; whereby, (they being all the issue male of king Edward the fourth,) these estates in tayle determined, And this viscount Berkeley was againe vested in fee Simple in all the said manors and lands, as though the said Act of parliament, or former conveyances, had never been.

585 The lord Berkeleys motives to assent to this Act of parliament seemes to bee three, **first** to bee freed, himself and his brethren, their lands and goods, from that heavy sum of . 34000^{li}. mentioned in the said Act of parliament, noe inferiour course remaining to evacuate | those Statutes in the hands of a potent adversary : **Secondly** to have the kings favor and to bee created Viscount : **And lastly** to receive other benefitall grants from the king : But what these should bee, I have not found : Onely the fifth of March following, the king made him one of his privy Counsell, And for his attendance thereon granted him the yearly fee of one hundred marks during his life out of the subsidies of London and Bristoll, as hath been already said : It may bee that the death of the king, which followed within thirty sower days, hindered the residue of those benefitall grants : But the bloudy tragedy which Richard the third acted upon his two nephews by their murder, returned againe upon this viscount Berkeley all that part of the Duke of Norfolks lands which hee had made away as aforesaid, And the said Statutes also discharged : An ill wind it is (saith the proverb) that bloweth noe man profit.

pat. 22. el. 23.
E. 4. m : 2.

And if this viscount Berkeley could have contained his ambition and held himself contented in the pitch hee was now mounted unto, hee had soared in height of honor and greatnes of Estate above the heads of all his Ancestors, yea above his great uncle Thomas the fourth, in whom I have noted this family to bee in its highest somers solstice : **ffor** by the death of Anne the sole daughter and heire of John Mowbray Duke of Norfolke, the sixteenth day of January in the seaventeenth year of Edward the fourth, shee then under seaven years of age, (her father ending his dayes the tenth of January in the fourteenth of the said king,) And by the death of y^e king himself, and his two sons, To the younger of whom, (if Stowe bee true,) shee was maryed but the day before her death, This Viscount Berkeley, as heire to the lady Isable his mother, great Aunt to the Duke of Norfolke, had now the one entire moitie of all the Dukes estate ; As to the lord John Howard, (shortly after by Richard the third made Duke of Norfolke, and his son Thomas, Earle of Surrey the same day,) had the other moytie, as son and heire of the lady Margaret his mother,

Act of parliam :
22. E. 4.

Stow : fo : 708.

mother, sister and fellowe Copartner with the lady Isable: And upon the partitions made thereof, (some of which were after confirmed by Act of parliament,) this lord Berkeley had for his part these manors and lands allotted to him and his heires, as followe. |

The manor of Donyngton,
The manor of Twaytes,
The manor of Thriske,
The manor of Hovingham,
The manor of Kirkby Malsart,
The manor of Thornton,
The manor of Brynd,
The manor of Gribthorpe,
The manor of Newsam,
The manor of Burton in Lonesdale,

In the County of Yorke.

586

Rot. parl: 4. H. 7.

The manor of Eppeworth,
The manor of Cothorpe,
The manor of Belton,
The manor of Westburrowe,
The manor of Ouston,
The manor of Haxey,
The manor of Wrote,

In the County of Lincolne.

The manor of Mawvy,
The manor of Dovercourt,
The manor of Herwich,
The manor of great Chesterford,
The manor of Denge als Dengy,

In the County of Essex.

The manor of Segrave in Pen,
The manor of Marlowe,
The manor of Winge,

In the County of Buckingham

The Castle and manor of Bedford,
The manor of Scotseild,
The manor of Haunce,
The manor of Bromham,

In the County of Bedford

The

The manor of Callowdon,	}	In the County of Warrwicke.
The manor of Thurlaston,		
The manor of fflekenhoe,		
The manor of Alspath,		
The manor Mereden,		
The manor of Aspele,		
The manor of Kington,		

587	The manor of ffenystanton,	}	In the County of Huntingdon.
	The manor of Hilton,		
	The manor of Auconbury,		
	The manor of Weston,		

The manor of Stodefdon, in the County of Salop.

The manor of Melton Mowbray,	}	In the County of Leicester.
The manor of Coldoverton,		
The manor of Mountforrell,		
The manor of Sileby,		
The manor Segrave,		
The manor of Dalby Chacombe,		
The manor of Witherly,		
The manor of Twyford,		
The hundred of Goscot,		

The manor of Bretby,	}	In the County of Derby.
The manor of Linton,		
The manor of Cotton,		
The manor of Repington,		
The manor of Rostlafton,		
The manor of Ashborne,		

The manor of Weston Baldocke, in the County of Hartford.

The manor of Hinton,	}	In the County of Cambridge.
The manor of Kenet,		
The manor of Kentford,		

The manor of ffuntington,	}	In the County of Suffex.
The manor of Bosham,		
The manor of Thorny,		
The manor of Buckfold,		
The manor of ffindon,		
The manor of Slagham,		

The manor of North pedle in the County of Worcester.
 Divers lands and Teñts in Westminster in the County of Middlefex.
 Divers lands and Ten^{ts} in the Town of Calais.
 The manor of Wiffelee in the County of Surrey. |

The fourth part of the manors, of, viz:		588
Brighthelmeston,	}	In the faid County of Suffex.
Clayton,		
Middleton,		
Mechinge,		
Seford,		
Alington,		

The fourth part of the moytie of the manors, of, viz:	
Cokefeild,	}
Hounden,	
Kymer,	
The Chace of Cleers,	
The forrest of Worth,	
The burrowe of Lewis,	
The barony of Lewes,	
Nomanfand,	
Divers rents in Ilford,	In the faid County of Suffex.

The fourth part of the manors of Rigate and Dorkinge, in the faid County of Surrey.

The fourth part of the moytie of the Toll of Guilford and Southwerke, in the faid County of Surrey.

The fourth part of the moytie of the manor of Tiborne a^{ts} Maribone ; in the faid County of Midlesex.

The

The Castle of Holt,	}	In Northwales.
The l ^d ship and manor of Bromfeild,		
The manor of Yale,		

The moytie or halfe part of the manors, of, viz:

Pickhill,	}	In Wales and the Marches of Wales, to the County of Salop adjoyning.
Seffewike,		
Bedewall,		
Iscoyd,		
Hewlington,		
Cobham,		
Heme,		
Wrexham,		
Burton,		

589	And,	Allington,	}	In Wales and the Marches of Wales, to the County of Salop adjoyning.
		Eftclufam,		
		Eglefeclle,		
		Ruabon,		
		Abinbury,		
		Dymill,		
		Morton faboy,		
		Armere,		
		Osbafton,		
		Sonford,		
		Ofeleſton,		
		The caſtle of Leons,		
		The town of Leons,		
		Almore,		
		Wolfſton,		
		Groffard advowſon,		

The moytie of the lordſhips or Seigniories, of, viz:

Catherlagh, Oldcroſſe, and of two	}	In Ireland.
baronies and divers other manors		
and lands.		

And

And which are mentionēd in the Acts of Parliament in the fourth, fifth, 7th 17th and. 19th years of king Henry the seaventh and in the severall deeds in the possession of the now lord Berkeley. carta in castro de Berkeley.

And of his own paternall inheritance, which discended to him after the death of his father the lord James, hee now also had, as hath been already written,

The Castle, Burrough and hundred of
Berkeley,

The manor of Hame;

The manor of Appleridge,

The manor of Alkington,

The manor of Hinton,

The manor of Hurst,

The manor of Slimbridge,

The manor of Came,

The manor of Cowley,

The manor of Daglingworth,

The manor of Upton S^t Leonards, |

The manor of Portbury

The manor of Porteshead,

The hundred of Portbury,

And divers lands in the County of Hereford.

In the County of Gloucester

In the County of Somerset.

590

And also this lord Withm now had more in his own possession, which hee entred upon immediatly after the death of Thomas Talbot Viscount Lisle, as before is touched,

The burrowe of Wotton,

The manor of Wotton fforren,

The manor of Simondsfall,

The manor of Sages,

The manor of Arlingham,

22. marks rent in fframpton,

Newleys and the warth in Slimbridge,

Divers lands and rents in Kingscote,

Horwood, Cromhall, and Acton,

The Advowson of Wotton Church

and of the Chantries of Hillesley,

and Wortly,

In the said County of Glouc.

Also

carta in castro
de Berkeley.

Also hee now had by the lady Jone his wife six manors in Yorkshire, and the manor of Pritwell in Effex.

Pafch : 1 : R : 3.
rot. 2. in fe^ocio.
carta in castro
de Berkeley.

And likewise hee now had in fees pentions and Annuities, some in ffee and some for life, from the king and other great parsonages, by severall patents—478^{li} 6^s 8^d by the year ; And divers other more both lands and fees, which I comforted not myfelfe in seeking after.

Soe that if any respect or husbandry towards himself, conscience towards God the giver, care of reputation towards the world, love or regard towards his posterity, had been in this lord, hee had advanced this family beyond the pitch of the worthiest of his Ancestors ; And to his eternall fame in all generations of his house past and to come, had been highliest honored in their memorialls : But to his ever during obloquy and reproach, hee in less then ten years following, scattered gave and cast away all the forementioned possessions, (a thing scarce credible to bee written,) not leaving any acre | to posterity, nor ought els, save tears and tongues
591 written,) not leaving any acre | to posterity, nor ought els, save tears and tongues to complaine, whereof my weeping pen now mournfully begins to write.

His alienations and sales of lands.

This viscount Berkeley beheld his Cozen germaine and fellowe Copartner, John lord Howard, to bee created Duke of Norfolke ; his ambition labored, if not to bee dignified as his equall, yet to sit in the next throne, for in the moulds that cast them both, hee found noe difference, nor in the mettall ; Sisters sons they were, And this viscount descended of the elder ; only the kings favor made the ods ; which hee casteth about to gaine, And thus compasseth :

carta in castro
de Berkeley.

Having in his ambitious opinion too much land, and too litle honor, hee is upon the 28th of June the sixth day after the coronation of Richard the third, created Earle of Nottingham, to him and the heires males of his body, with the fee of twenty pound p ann out of the Sherifewicks of Nottingham and Derby : This Earledom fattisfyeth not : for to climb higher, hee agreeth with that usurping king the 2th of March following in the same year, by Indenture, That when hee should bee required, hee would make to the king and to the heires of his body a good estate in his manors of Melton Mowbray, Segrave, Coldoverton, Dalby Chawcombe, Twiford, Witherly, Sileby, Mountforrell, and the hundred of Goscote, in the county of Leicefer : And in the manors of Donyngton, Twaytes, Thriske and Hovingham in the County of Yorke : And in the manors of Harewich, Dovercourt, Mawney, and

and Chesterford, in the County of Essex; And in the manors of Winge and Segrave in Penne, in the County of Buckingham; And in the manors of Calthrop, West-borrowe, Eppeworth, Belton, Haxey, and Oufston, in the County of Lincoln; And in the Castle and manors of Bedford and Bromham in the County of Bedford: And in the Castle of Holt with the lordship of Bromfeild and yale in Northwales: And in the revercon of the manors of Kirkby Malfart, Newfam, Thornton, Gripthorp, Brind, and Burton in Lonesdale, in the said County of Yorke, after the decease of Jone his wife; And for default of such issue of the kinge, to remaine to him | the said Earle of Nottingham and his heires for ever. And it was further 592 agreed between them, That the king should grant to the said Earle for his life, when hee should require it, an yearly rent of fower hundred marks out of the great Customs of the City of London; And for performance thereof, for soe much as was by him to bee performed, hee the said Earle of Nottingham became bound to the king in a recognizance of ten thousand pounds; And accordingly by Indenture dated the 23th of October in the second year of the said king, the same manors were by this Earle conveyed to the said king accordingly: And the fifteenth day of the next month, The said king Richard by Indenture under his hand and seale, Aswell for the true and faithfull service that this Earle of Nottingham in manifold wise hath done to his highnes, in the same, did promise and grant to the said Earle, That at all times thenceforth, hee will ayd, comfort, and assist the said Earle, as lawe, right, and conscience will, aswell in and for his inheritance and all titles concerning the same, As of and in all other causes that the said Earle hath to doe; At what time this Earle was not released from a recognizance of one thousand pound, wherein hee stood bound for his personall appearance in the Starr chamber, And to doe noe damage to the said Edward Gray lord Lisle or to his servants: **Howbeit** this profuse scattering of those thirty five manors at a clap hurt him not; for this estate in tayle in the king determined the 22th of August following, by the kings death at Bosworth feild, And by the death of his wife and of his only child the prince, dead a litle before his father: Soe willing was Gods gracious eye to have made this Earle looke back, and to retire himself into the consideration of himselfe, and to have preserved those possessions which had been from heaven shoured upon him: But hee rather chose to bee branded by S^t Paull with the livery of infidelity, then to have any care of his family house or kindred, present or to come.

claus: rolls. 1. R. 3.
claus: rolls. 2. R. 3.

carta in castro
de Berkeley.

ordo in Camera
stellat. 9. Maij.
22. E. 4.

2. Tim: 5: 8.

Henry the seaventh, by the overthrow and death of Richard the usurper, obtaineth the Crown and weareth it; And soe prudent was this Earles cariage between

between those adverse princes and their adherents, (ayding the one wth men, the other with money, neither of both with his person,) That hee preserved the favor of both, at least lost neither of them: **And** as a testimony of this kings good acceptance of his service, upon the 26th of October following (fower days before his own coronation,) hee created him Earle Marischall, To hold during pleasure, with the fee of twenty pound: And the 19th of February following, created him Earle Marischall and great Marefchall of England, To hold to him and the heires males of his body, with the like fee of twenty pound: **In** which patent of creation, the king gives him | power, aswell in his presence as in his absence, to have and bear a staff of gold wth a black ringe at both ends, with the kings Armes at the upper end, and his own Armes at the lower end thereof: **And** in the meane between his two patents, the 12th of December, grants him a generall pardon for all offences comitted before the 7th of November then last.

pat. 1. H. 7. m.

pat. 1. H. 7. m.

pafch: rec: 1. H. 7.

rot. 3. in sc^acio.

593

pat: 1. H. 7. m.

carta in castro
de Berkeley.petitio Mauricij in
castro de Berk:

It seemeth somewhat plaine That a precontract was concluded upon between S^r Wiſſm Stanley lord Chamberlaine to the king, and this Earle, for furthering him into these great offices of honor: for upon the same 19th of february, this great Marefchall by his deed of the same date with his patent of creation, And with his new stile of Wiſſm Earle Marshall and of Nottingham, viscōnt Berkeley and lord of Berkeley, hee gave to him the said S^r Wiſſm Stanley, (by the name of cozen,) and to the heirs of his body, All his part and purpart of his manors of Pickhill, Seffewyke, Bedewall, Ifcoyd, Hewlington, Cobham, Hem, Wrexham, Burton, Alington, Eastclufan, Eglofcele, Ryabon, Abinbury, Dimill, Morton faboy, Armere, Osbaston, Sonford, and Ofeleston, And of the Castle and manor of Dynesbran, and of the Castle and town of Leons, Bramfeild, Yale, Wrexam, Almore, Wobston, and Sonford, in Wales and in the marches thereof to the County of Salop adjoyn-ing; And for default of such issue of the body of S^r Wiſſm Stanley To remaine to the said Earle Marshall and to his heires: **And** thus for the consideracō of honor did this Earle Marshall runne out of two Castles and twenty eight manors and parts of manors: **And** yet was not his ambitious humor fattsified: **And** justly might Maurice Berkeley his brother and heire apparant, and Maurice his son and heire, complaine, as they did, That out of a high and pompous mind, hee aspired to bee made a **Marquess**; Between whom, great displeasures now arose, never after reconciled, upon the occation of those and other like assurances, fynes, and recoveryes, (whereof many now ensue,) which this lord Wiſſm passed: **for** the better to cut off the antient entaile to the heires male, created by his Ancestor the lord Thomas the third, as in his life appeareth, This vaine and pompous Earle did in
Mictimas

Michmas and Easter Termes in the second of Richard the third, upon severall writs, de recto præcipe in capite suffer recoveryes of the advowson of Slimbridge Church, and of the manor of Portbury, and of the Castle and manors of Berkeley, Hame, Appleridge, Alkington, Hinton, Came, Hurst and Slimbridge, and of divers others: In many of which by his feoffments after these recoveryes executed in August in the first of Henry the seaventh, hee for default of issue of his own body, estated Thomas Marques Dorset in taylor: which notwithstandinge, within two years after, hee againe altered and estated upon the king, as now followeth.

And having twice made advantage of honor and profit, (but against his purpose or will,) by two contracts with king Edward the fourth, and with king Richard the third, hee assayleth a like chapman, king Henry the seaventh, for a third fortune, (for Marques Berkeley, the Earle Mareschall of England will bee at least :) And thereupon by Indenture dated the 10th day of December in the third year of Henry the seaventh, (by the name of Wilm Earle Mareschall and of Nottingham, great Mareschall of England,) hee covenanteth with the king to convey by good assurance the Castle and manor of Berkeley, and the manors of Hame, Appleridge, Hurst, Slimbridge, and Cowley, To the use of himself and the heirs of his body, And for want of such issue, To the said king Henry the seaventh and the heires males of his body, And for want of such issue To the use of his own right heirs: And to convey the manors of Alkington, Came, Hinton, and Portbury, To the use of himselfe and Anne his wife and the heires of his body, And for want of such issue, To the said king and the heires males of his body, And for want of such issue, To the use of his own right heirs as aforefaid: In lieu whereof the king gives him leave to convey twenty five of his other manors, severally named in the said Indenture, to what uses and to whom hee pleaseth, without any fine to bee paid into the Hanaper upon such alienations: And promifeth to confirm unto him all manner of franchises and liberties granted heretofore by him or his progenitors to him the said Earle, or to any of his Ancestors.

And according to these covenants are recoveries suffered of the said Castle and manors, And of the manors and Advowsons of Wotton underedge Simondsfall, Arlingham, and others: And severall fines also are by him leavyed of the said Castle and manors at the same times, with renders of like estates; and of many others in seaverall Counties; As with small labor is (at once) to bee read in the severall Inquisitions found in the . 7th. 8th and 9th. yeares of king Henry the seaventh, after this Marquesse death, remaining of record in the Chancery.

And

In banco çoi
rot : 453: Michis
rot: 147. Pasch:
et 154.

carta in castro
de Berkeley.
594

Mich : term. 1.
Mariæ ex parte
reim regis inter
scripta et rec: in
banco
carta in castro
de Berkeley.

pat.1. H. 7. pars. 4.
pat.3. H. 7. pars. 1.

Hillar. 3. H. 7.
rot. 354. 360. 357.
et. 343.
Hillar : et Trin :
terms 3. H. 7. et.
7. H. 7.

Eschaet : in Canc :
temp. H. 7.

Act of parl : annis
4. 7. 17. et 19. H. 7.

And to conclude, hee thus estated upon the king and the heires males of his body for defalt of issue of his own, **His** Castle of Berkeley, twelve manors and three advowsons in the County of Glouc.; **Two** manors in the County of Somerset; **four** manors in the County of Warwick; **Eight** manors and one hundred in the County of Leiceſter; **Six** manors in the | County of Derby; **ffower** manors in the County of Eſſex; **ffive** manors, a fforreſt, a chace, and a barony in the County of Suffex; **Two** manors in the County [of] Surry; **ffower** manors in the County of Huntingdon; **One** manor in the County of Hartford; **Three** manors in the County of Cambridge; **A** barony, and fower manors in the County of Bedford; **And** others in other Counties, And in Calais, Ireland, and Wales, beſides divers advowſons of churches and chapples, And divers hundreds and other regalityes, with a great multitude of knights fees; **Soe** that by increaſing in the kings favor, hee proved more profitable to the king then his firſt covenants comprized in the ſaid Indentures; **And** hereupon the 28th of January in the fourth of his raigne, the king created this Earle Marſhall **Marques** Berkeley, to him and the heirs males of his body, with the fee of thirty five pounds p^r ann^a out of the leſſer Customs of London.

pat: 4. H. 7. m: 13.

hillar : 3. H. 7.
cart. in caſtro
de Berkeley.
cl : roll 3. H. 7.
Bacon in vita
H. 7. fo. 236.

And beſides theſe foreſaid Conveyances to the king and the heirs males of his body, **Hee** further fold and gave divers others to the ſaid S^r William Stanley lord Chamberlaine, and to others; **And** alſo in the third of king Henry the ſeaventh gave to S^r Reignold Bray knight, (whom S^r ffrancis Bacon calleth a Counſellor of antient authority with his king,) his manor of Haunce in the County of Bedford, and his manors and lands in Kenſington and Marybon atſ Tiborne in Midleſex, in ffee Simple, which were but rewards for his Court favour.

Inq : poſt mort.
Marchion, Berke-
ley. 8. H. 7.
Com. pleas Mich:
21. H. 7. rot.
et 17. H. 7. iſm.
His will 7. H. 7.
in Cur. prerog.
carta. 4. Nov. 3.
H. 7 in caſtro de
Berkel :

com: pleas: Mich.
17. H. 7. rot.

And the 23th of February in the third yeare of Henry the 7th gave for like Court favor to Thomas Stanley Earle of Derby the kings father in law, for defalt of iſſue of his own body, The manors of Donyngton, Twaites, Thriſke, Hovingham, Kirkby Malfart, and Burton in Lonedale, in the County of Yorke; **And** his manors of Winge, Segrave in Pen, and Marlowe, in the County of Buckingham; **And** the manor of Denge atſ Dengy in the County of Eſſex; And the manors of Eppeworth, Belton, Haxey, Owſton, and Wrote, in the County of Lincolne; **And** the manors of Alſpath and Mereden, in the County of Warrwike; To hold to the ſaid Earle of Derby and the heirs of his body; **Who** had alſo by like conveyance the manor of Slagham in the County of Suffex, **And** the manor of Wiſſelee in the County of Surry, which coſt him like Court-holywater, as aforeſaid.

In

In the same month and year hee severally conveyeth the manors of Hinton and Kenet in the County of Cambridge, to the use of himself for life, The remainder to Richard Willoughby for his life, The remainder to the heirs of the body of him the said Earle, The remainder to the heirs male of the body | of the said Richard Willoughby, The remainder to Edward Willoughby Esq^r and to the heires males of his body, The remainder to the right heires of him the said Earle; which manor at this time was in the hands of Elizabeth Dutches of Norfolke for her life: Of which manor of Kenet, fee after in the life of the lord Henry the first.

carta in castro
de Berkeley.
licentia regis
8. Feb. 3. H. 7.

596

fols : [806, 807]

And in July following, in the self same manner hee conveyed the manor of Callowdon in the County of Warrwicke, with like remainders to the same parties, which at this time was in lease for life to S^r Humphry Talbot: And for better confirmation of this assurance, did in the 6th of Henry the 7th leavy a fine thereof.

carta. 10. Julij. 3.
H. 7. in castro de
Berkel :

fin. 6. H. 7.
in banco.

And also the said Earle of Darby, (for default of issue of the body of this said Marques Berkeley,) had also divers other manors and lands, As by the will of the said Marques appeareth.

his will. 7. H. 7.
in cur. prerogat :

And to his wife the lady Anne Berkeley and her heires, hee devised by his will all his messuages and lands in London, paying . 200 . marks to the ffryars Augustines; **And** his house in Chelfey in Middlesex hee by his said will gave to John Whitinge and his heires with a legacy of fourty pounds; **And** to conclude, what by fines and recoveryes and other conveyances of record, and what by deeds executed by livery and by Attournement, And what by his last will and Testament, hee foe conveyed and gave away all the forementioned masse of Castles, Baronies, manors, hundreds, Chaces, Parks, knights fees, and other hereditaments in all the said Countyes in England and Wales, and in Ireland and Callais, as that nothing remained to his helre; And made more effectuell those to the king by an Act of parliament in the 7th of his raigne.

His Will. 7. H. 7.
in Cur. Prerog.

fines in banco. 3. 5.
6. H. 7. cōes. re-
cuper : in banco.

1. 3. 5. H. 7.
divers : cartæ in
ijsdem annis.
Inq: 7. 8. 9. H. 7.
in divs: Com. post
mort. Marchion.
Rot: parl. 17. Oct.

7. H. 7. memor.
fc^aij
Trin. 9. H. 8. rot
primo.

And having in Michaelmas Terme in the seaventh of Henry the 7th by fine and other assurances, fetled the manor of great Chesterford in Essex, upon himself and the lady Anne his wife and the heires of his own body, with remainder to the king and the heirs males of his body, As though it was not enough to give the king his land, but hee would build him an house also; Hee, the eleventh of December following, agreeth by severall deeds under seale, with Carpenters Masons and other workmen, forthwith to build him a spatious house upon the same manor; **At** which time

fin. 7. H. 7.
in banco.

carta in castro
de Berkeley.

time, without a like miraculous blessing as was sent to Abraham and Sara, there was noe hope of issue between him and his wife, And himself before the finishing could not but fall into his grave, as hee did, as after followeth ; yet hereby also
 597 appeares, | the power of an over-rulinge wife, that for her own end could draw her husbands old age this excessive building upon a peece of ground wherin neither of them, upon the matter, had any longer an estate then for their own lives.

Liber feod. militum
 in sc̃cio. temp. H. 3.
 Rot. serviçr. in
 rubeo libro in
 sc̃cio. fol. 232
 Rot. claus. 1. R. 2.
 m. 45
 Rot. servic. 1. H. 4.
 m. 2.
 Esch. 1. H. 4. post
 mort. Thom. Ducis
 Norf. Bedford.
 claus 1 H. 5. apud
 le coronnac. coram
 Riço Beauchampe
 nuper Com. Warw.
 Fin. 8 R. 2. m. 20
 Claus. 7 E. 1. m.
 6. 8.

In the vast volume of which his sales, none seemes more displeasinge to his posterity then the sale of his Castle and Barony of Bedford, and of the honourable services whereby he held the same ; beinge by the tenure thereof, at each kinges coronation, Ellemosiner or Almoner, havinge for his fee the cloth which the Kinge on his coronation day went upon from his hall or chamber to the church doore where hee was crowned: And after dinner had the silver dish which used of custome, as the Almesdish, to stand before the Kinge at dinner, and one tun of wine : whereby also hee sold one of his titles of honour, ceasinge thenceforward to be stiled Baron of Bedford : An office of honor which had descended from the antient family of Willm. de Bello Campo, who in the 7th of Edward the first leaft it to his daughters and Co-heires, the eldest of whom was married to the lord Mowbray ; and from them it came to Willm. de Latimer, and John de Mowbray Earle of Nottingham ; and from Latimer, by Elizabeth his daughter and heire, to John Nevill of Raby ; and upon the partition of Mowbrayes lands, Duke of Norfolke, was allotted to this Marques and his heires, that which to the Dukes of Norfolk appertayned.

His Almes and devotions.

carta. 3. H. 7. in
 castro de Berkel:

The lands which this lord gave to the prioress of our ladies house within Carleton parke at Wallinge wells, were of such value, That in return thereof the prioress and her covent granted to accept him and his heirs for ever as one of their founders, And to doe them such honor and in such sort to pray for them and their good estate, as they doe for their founders in each thinge ; And to observe all such orisons prayers observances obites and other divine services, for his soule and of his heires, and of his fader and moder, and for the good estate of Dame Anne his wife, as the said prioress and Covent have used to doe for their founders ; And specially to pray for the soule of the lady Jane his late wife, and for the good estate of Thomas Stanley Earle of Derby and his heires, and for their soules health for ever.

carta. 4. H. 7. in
 castro de Berkeley.

The like liberality this lord extended to the pryor and Chapter of the Cathedrall Church of Worcester ; In recompence whereof the said pryor and
 Covent

Covent accepted this lord Marques and the lady Anne his wife into their spirituall society and fraternity ; And admitted them to the participation of all the benefites workes and merits wrought by them, aswell in masses hours prayers watches fastings disciplines and hospitalities ; as in Almes and other benefites which hereafter shall bee done or had in their Cathedrall Church ; **With** this addition from their speciall grace and bounty, (faith the deed,) That when the deaths of this lord and his wife shall bee intimated to them, there shall bee as much | said and done for their soules 598 as for the brothers and sisters and other benefactors of the said place, and for the soul of John ffynes father of the said lady Anne, and for the soules of the children of the said Marques and of Jane his late wife.

And surely this invention of spirituall fraternities which are appurtenances or annexaries to the orders of ffryars, Nunns, &c. which in these times was grown frequent, was a prudent and profitable late devise ; for into it lay people of all forts, men and weomen, maryed and single, desired to bee inrolled ; as thereby enjoying the spirituall prerogatives of pardons indulgences and speedy dispatche out of purgatory.

To the pryor of the fryar Augustines in London this lord gave in hand one hundred pounds in money ; **In** lieu whereof and of other benefits and guifts, (faith the deed,) which this Marques intends to give to that place, The said pryor and covent agree to say two masses presently and for ever at the altar of our lady and of S^t James, where the body of Jane Countes of Nottingham his former wife lyeth buried, between the said Altars ; And to pray for the prosperous estate of the said Marques and of Anne his now wife, and of Edward Willoughby, Richard Willoughby, Anne Beauchampe, Elizabeth Willoughby, and John Whitinge his gentleman usher ; with all the issue of the said Marques and Jane ; And espetially for the faule of the said Jane and of Katharine her mother, sometime Dutches of Norfolke, and for the soules of James lord Berkeley and of Ifable his wife father and mother of the f^d Marques, and of Thomas Berkeley brother of the said Marques, And after the deaths of the said Marques and Anne Then the said two masses to bee funge for their souls also ; which they the f^d pryor and Covent doe promise to doe unto the worlds end ; And also to say a solemne obite yearly in the said place on S^t Mathias day in ffebruary for the soules of the said ladyes ; And the like then for the said Marques and Anne his wife when they shall die : **And** that this Indenture of agreement shall bee yearly read in their Chapter house in the feast day of S^t Michael, for the better performance thereof, as they shall answer afore God at the dreadfull day of doome. |

carta : 3 : Nov : 6.
H. 7. in castro de Berkeley.

And

599
Will: 5. feb: 1491.
7. H. 7. in cur.
prerog.

And the fifth of february twelvemonth after in the feaventh of the faid king Henry the feaventh, This Marques by his will bequeathed his body to bee buried in the faid Church of ffryar Augustines, and gave thereto twenty marks to buy vestments to bee ufed at the Altar of S^t Rooke there. **And** also two hundred marks more for two fryars there perpetually to finge for his foule, **And** twenty marks for two other fryars to finge in the white ffryars in fleetstreet at the Altar of S^t Gafion there, for his own foule, and for the foules of his father and mother, and of his fon S^t Thomas Berkeley, for ever: And besides to bee endowed with ten marks yearly; **And** likewise ordained, That another fryar should finge at the gray fryars at Glouc., in like maner, for the faid foules; To the repair whereof hee gave twenty pound in money.

By his faid will, this Marques ordained, That his wife and other his Executors should after his death purchase ten marks yearly rent, therewith to found a Chantry at the altar of our lady of pitty at Eppeworth in the County of Lincolne.

To fryar John Wikes hee gave twenty shillings. **And** appointed that his executors should recompence all tresspasses and wrongs by him done, in discharge of his foule, as should bee proved before them within ten yeares after his death; And this to bee proclaimed in every place where hee hath had most resort unto in time past, after every true and reasonablen mans desire.

The one half of his array, plate, stufte of hushold, and of Chapple, hee gave to his wife Anne, And the other half to goe towards the performance of his will.

To Ifable Berkeley hee gave twenty markes.

To Margery Berkeley hee gave five marks.

To Richard Berkeley hee gave five marks.

And to twenty other of his servants hee gave the like legacies: And made his wife, the Bishop of Rochester, Judge fitz James, and M^r Wythers, his Executors; To each of whom hee gave twenty pound a peece; And for his overseers made king Henry the feaventh, and the faid Earle of Derby, and John Whitinge his gentleman usher, To each of whom hee gave ten pound a peece. |

600

Hee also in his life time gave divers Anuities pentions and fees, whereof these following are the cheifest I observed. viz^t

In

In the Tenth year of Edward the fourth hee granted to his brother Maurice ten markes by the yeare for his life, out of his lordshipp of Nibley, for the great service hee that year did to him at the incounter with the lord Lisle. carta in castro de Berkeley.

The fame year in consideraçon of service, hee granted an Anuity of fower markes p añ to John Caffey Esq: out of this manor of Slimbridge, for his life, who was at the skirmish at Nibley green with him. hillar : in banco 21. E. 4 rot. 352.

About the fame time hee granted an anuity of five pound p añ to Wilm lord Hastings for his life. Acq : in 15. E. 4.

The 22th of Edward the 4th hee granted to Thomas his brother, in considera- tion of his laudable service, an Anuity of nineteen pound p añ : out of his manors of Wotton and Hame. carta in castro de Berkeley.

And about the first of Henry the seaventh granted an Anuity of ten pound p añ, to the lord Daubeny for his life, out of his manor of Portbury : And also an Anuity of fower pound p añ, to Ralph Skelton for his life. comp : recept. in castro de Berk.

In the third of Henry the . 7th, hee gave an Anuity of ten marks p añ to Thomas Tiler for his life, who also was his generall Receivour. carta in castro de Berkeley.

The fame year hee granted to Thomas Sampson for his life, all his land in Calais, rendring the third part of the revenue. carta in castro de Berkeley.

About the fame time hee granted to S: James Blount an Anuity of ten marks for his life out of his manor of Sibley in the County of Leicester ; Some other the like, there were, which I passe by. | Acq : in castro de Berkeley.

His miscellanæ or various passages.

601

By comon intendment those that seek often to the phisition have diseased bodyes ; what constitution this lord was off not onely his life past but the many pardons hee purchased from those kings whose laws hee had transgressed, which now followe, doe declare.

The . 17th of March in the 36th of Henry the sixth, the king pardoned this lord Wilm all offences generall. cart. in castr. de Berk : rot. pdon : 36. H. 6. rot. 30.

The

cart. in castr. de
Berk.
rot. pdon : 2. E. 4.
m. 32.

The first of May in the second of Edward the fourth, the king pardoned him all offences untill the fourth of November then past.

Rot. pardon : 10.
E. 4. m : 2.

The 25th of May in the 10th of Edward the fourth the king pardoned him all offences till the 25th of December then past.

carta in castro de
Berkeley.
rot. pdon : 12. E.
4. m. 23.

The twentieth of May in the 12th of Edward the fourth, the king pardoned him all treasons murders rebellions and offences untill the first of September before; whereby hee stood discharged from the viscount Lilles death, and his utlagaries thereupon.

carta in castro de
Berkeley.

The tenth of March in the first of Richard the third, the king pardoned him all offences untill the 21th of february past.

carta in castro de
Berkeley.

The 9th of December in the second of Richard the third, the king espetially pardoned him all offences debts recognizances &c, untill the tenth of November before.

Trin : 3. H. 7. cum
rem. thesaur :

The fifteenth of february in the third of Henry the seaventh, the king pardoned him all offences and matters whatsoever; which in discharge of divers debts demaunded of him by proces out of the Exchequer, hee pleaded in Trinity Terme after : **One** or two more there are, which I omitted in my notes.

chres : in Berkeley
Castle.

602

For the better discharge of his household port, when hee abode at Berkeley Castle, which was from the death of his father, untill such time as king Edward the fourth with an augmentation of his stile and honor, drew him to his Counsell table, Hee used yearly to send a shipp for wines to Burdeaux in france : And in the year. 1477, being the seaventeenth of the said king, upon returne of his shipp, hee retained twenty Tunns, for | his own provision : the residue the master of the shipp had : Some of which charter parties for furnishing the said voyages yet remaine in Berkeley Castle, espetially for the setting forth of the shipp called the George of Berkeley, whereof the Chire sheweth this lord to bee owner, and John Pembroke his fervant to bee master.

The abidinge of this lord Wiffm in his fathers life time, was for most part at Portbury, Afterwards at Berkeley Castle, between which places his usuall travell was by water, and over at the passage called Crokarspill ; The passer whereof in the time

time of Henry the sixth, exhibited a petition against this lord Withm to Richard Duke of Yorke, (father of king Edward the fourth,) then lord of the manor of Easton, whereof one part of the said pill is accompted to bee parcell; complaining that this lord and his servants passed and would passe at their pleasure without paying anything for their feryage, to the disinheritage of the said Duke and his said Tenants wronge; And prayeth, that at the dukes said manor hee might shew his evidence for his discharge and freedome in passage, or els to pay as other men in passing over there between the two Countyes of Gloucest: and Somersset, doe pay.

petitio cum Thoma
Morgan Arm:

The first of January in the 21th year of king Edward the fourth, the Duke of Buckingham by his warrant charged all his keepers and officers, That whensoever and as oft as the right worshipfull and his right entirely welbeloved cozen the viscount Berkeley list to take his pleasure to hunt within any of his fforrests, parks or chaces within the Counties of Kent, Surry, and Essex, That every of them should give him due attendance, and to make him as good disport as they can, as they intend to please him, from year to year and time to time.

Warrant in castro
de Berkeley.

This lord having in the 17th year of Edward the fourth been outlawed at the sute of Richard Seintle of London for non-payment of debt of 9^{li}, Reverfed the same by error, for that hee was sued and outlawed by the name of Withm Berkeley of Berkeley knight, whereas hee was at that time one of the lords and peeres of the realme; And for prooffe pleads verbatim his writ of fomons to the parliament the same yeare.

Trin: 17. E. 4.
rot. 191. in banco.

And it is not improper here to shewe, That this lord dyed indebted to Withm Moore his secretary for thirty old nobles which hee lent him, | And for . 70^s wages, for which his brother Maurice was sued in Chancery seaven years after his death, by Withm Gifford Executor to the said Withm Moore, whose title and prooffe was, That this lord Marques lying sicke, a litle before his death willed that the said Moore should bee paid those fums before any others; which the said Maurice did, though hee was neither heire nor Executor, and not having any Affets in land or personall estate from his said brother; whereby appeares a great distance between the disposition of these two brothers; The Marques hatinge Maurice at his death, Maurice lovinge his memory and the repose of his soule after life ended.

Bill in Canc:
15. E. 4.
603

In the 33th of Henry the sixth, Edward lord Abergavenny granted to this lord Withm the Stewardship of Chepstowe in Wales for his life, with the fee of twenty marks by the yeare.

carta in castro
de Berkeley.

In

carta in castro
de Berkeley.

In the 39th of Henry the sixth, Anne Dutches of Buckingham made this lord Wittm master of her games of Deere, and supervisor of all her parks forrests chases and warrens in the County of Gloucester.

carta in castro
de Berkeley.

In the 31th of Henry the sixth John Mowbray Duke of Norfolke made this lord Wittm Supervisor of his dominions of Gower and Kilvey in Southwales, and his steward of Chepstowe, for his life, with the yearly fee of twenty pound.

carta in castro
de Berkeley.

In the first year of king Edward the fourth, the foresaid Anne Dutches of Buckingham made this lord Wittm Steward of her lordship and manor of Thornbury, for the life of his father the lord James, taking the fees thereto belonging and accustomed ; And at this time was this Wittm soe feared of his fathers tenants, or grown soe potent over his old fathers affairs, as none of his Tenants would take any lease or estate from that old lord, but that they would either have this Wittm to confirme the same by his deed, or joyne with his father in the grant.

Divers personall differences being between this lord Wittm and John Lord Beauchamp, aswell for such of his fathers goods the lord James as came into his hands, as for other causes, they referred themselves in the sixth of king Edward the fourth to the award of the lord Chancellor and of the Bishop of Bath, whereto they promised to stand upon their faiths of Knighthood. |

604

His wives.

Out of what humor I know not, but longer did this lord solace himselfe in a single life then any of his Ancestors from Harding the Dane, neither could any perswasion work him to wivinge in the life of his father : Yet, in a contrary quality, more forward to contract his own son and heire at younger years then any of his Ancestors, as after followeth.

This lord had three wives, who in their simpathies and antipathies stood thus in relation to him : The first hee loved not, nor shee him : The second hee loved entirely both living and dead, and shee him : The third hee loved, and shee overruled him for her own ends, to the advancement of her selfe and her kindred.

Vincent : fol : 631.

His first wife was Elizabeth the daughter of Reginald West, lord de la ware, and of Magaret his wife daughter and heire of Robert Thorly Esq: whom hee maryed in the sixth yeare of king Edward the fourth in the third yeare after his fathers

fathers death, then about the age of one and forty yeares: **f**rom her hee was divorced shortly after, before any issue had between them, by the sentence of Carpenter the Bishop of Worcester; which shee held, (and I beleeve,) to bee unjust and partially given in his favor; from which shee appealed to the Court of Rome, and procured thence from pope Paul the second, tres compulsary dated the twentieth of November. 1467. being the seaventh year of the said king, to have all the writings acts sentences dispositions and myniments touching the said divorce to bee sent to Rome, As by the in[*f*]trument thereof under seale in the Castle of Berkeley may appeare: **h**er husband and the partiall Bishop held it wisdome to stop the stream, ere it flowed to Rome, And soe ended that sute.

carta in castro
de Berkeley.

Now, for that I have observed some differences in opinion amongst some worthy branches of this family about this lords lawfull or unlawfull putting away of this wife, (admitting it to bee for adultery,) and his mariage with another in her life time; some of them making this unlawfull Act one of the greatest outward causes, (in the eye of man,) of this lords dying issuelesse after soe hopefull a posterity had, and of | the consumption that followed of his patrimony, with other crosses, 605 Gods angry hand seeming streched out against him in a troubled life ever after: I will a litle enlarge my self upon this point, And tell his posterity That his second mariage as I conceive it was adulterous, wherein hee longe lived, and had issue that miscaryed; And that though the adultery were proved, and the sentence of divorce recorded, yet was not hee soe set at liberty that hee might, in her life, marry with another, as hee did.

1. **f**irst, the Act of adultery doth not dissolve the knot, or (as wee speake,) break the bond of mariage; for then it would follow That the party offending could not upon reconciliation bee received againe by the innocent to former society of life, without the solemnizing of mariage anew; which is a thing never heard off, and contrary to the continuall practise of all churches.

2. **S**econdly, the sentence of divorce cannot releeve him neither, for there is noe lawfull sentence in any Court in case of divorce but it ever containeth an expresse inhibition to either party to marry with another; with intimation in flat termes, That from the time that they or either of them shall goe about an other mariage, Quod extunc prout ex nunc, et ex nunc, prout extunc, (it is the stile of the Court,) That present sentence upon record shall bee utterly void to all purposes, and they in the same case as if it had never been given.

3. **A**gainc,

3. **Againe**, if the committing of Adultery should dissolve mariage, Then both parties are in the same case as they were before they were maryed, free and at liberty ; And then may either of them, aswell the guilty as the innocent, marry againe, which is the very gaine the Adulterer or Adulterers propounds to themselves; And soe would the committing of sin, bee made gainfull or benefitiall to an offender.

Ambr: in. 1. Cor. 7.

4. **Againe**, if adultery dissolve the marriage bond and all, (as with this lords practice it did,) Then not onely every christian is excluded from that charity of receiving his wife againe, (having been faulty,) to conjugall duties, without a new mariage, as hath been said : but which is worse, the innocent party, if hee have knowledge of the body of his wife, having been false that way with another, should in soe doing comitt adultery himself, in as much as hee hath had the use of her body that is now none of his ; I say none of his, because their mariage is utterly dissolved by the act precedent of his wicked wife, if this opinion bee allowed.

Augustine 606

5. **Againe**, if at the pleasure of every lewd man, or light woman, by committing the sin with another, they might dissolve as many former mariages, and make way to as many new mariages as they list ; for being weary of the first, it is but to bee lewd of body and presently the bond is broken, & liberty given to make choice of another ; And upon the like weariness, by the like Act, of a third and fourth ; It would bring with it a world of troubles and confusions and evill consequences, as the second mariage of this lord Withm in the life of this his former wife might have done, between his issue of his second mariage and his next brother and heire.

Therom : in Math. 19.

6. **And** againe, if the word of God bee fought to, whether any favor may bee had there, it will appear, That duringe the primitive church even till of late years the Judgment of many great divines and the present practice of the law ecclesiasticall were one and the same, and great reason why : for the authority of the fathers was the ground of the antient Canons, by which the law in this case is ruled : Soe that but for the opinion of some later divines, there need not bee fought any opposition between lawe and divinity in this question, nor that distraction happen, wherein wee see divines to give their hands for licence to that for which law will convent men and censure them too.

7. **And** againe lastly, it seems an unanswerable ground, viz: That one may not in any wise have two wives at once ; for by the originall institution there can bee but two in one flesh : But this lords wife, though shee profaned mariage with another,

another, was not thereby become the wife of him with whom shee prophaned, but remained this lords wife still, whose first shee was, and whose only shee can bee foe longe as hee liveth : And the word of God seems to mee plaine in this, The woman is bound to the man foe longe as hee liveth ; Soe that if while hee liveth shee becometh another mans shee shall bee holden an Adulteresse ; from which very words the vow of mariage seemeth to have been framed, which then was and still is made in the congregation by either party, forsakinge all other keepe thee onely unto her foe longe as you both shall live : And againe, To have and to hold for better for worfe till death us do part : And these plainly shew, (as I conceive,) That the bond of mariage is not broken but by death, And that though shee should become another mans, yet | shee is not become his wife : The places of S^t Mark and S^t Luke seem plaine, That a man having put away his wife cannot marry againe ; And for the place of S^t Matthew, where it seems to bee qualified with (unles it bee for adultery,) it is all the shewe that can bee made for these mariages ; The rules both of divinity and reason are, That when there falleth out any diversity in places, first to expound the lesser number by the greater and not contrary, That is one Evangelist by two, and not two by one : Secondly, to expound the former writer, (which is granted S^t Mathewe was,) by the later that writ after him, as both S^t Marke and S^t Luke did, and not contrary ; espetially where both may stand, as here methinks both may ; They two interpreting it, It is thus, Hee that putteth away his wife, (which but for Adultery is not lawfull,) and maryeth an other, comitteth adultery himself : howbeit because the position, that a man putting away his wife for her adultery may lawfully marry an other, is maintained by the learned writings of foe many late judicious divines, in most of the reformed Churches at this day, And hath foe troubled the pulpit in S^t Maryes in Oxford, which my younger yeares there heard neere forty years agoe, I stand an unable man to determine of either opinion, leaving this family to the censure of this fact of this great lord their Ancestor as it self shall affect : But mee thinks, That a wife y^t is an Adulteresse doth not cease to bee a wife, unles at least shee bee manifestly divorced, and dispoyled of her mariage ringe.

Rom. 7. 2.

607

Mark. 10. 11.

Luke : 16. 18.

Math : 19. 9.

defence of John
Raynalls printed
1610.

I have seen an old writing of this lords time, laying the pedegree of this Elizabeth to bee the daughter of Reginald West lord de la ware, son of Thom^{as} West and Jone his wife, daughter of [Roger] lord de la Ware and Alienor his wife, daughter of John lord Mowbray and Elizabeth his wife, daughter and heire of John lord Segrave ; which John lord Mowbray and Elizabeth his wife had issue also Thomas created Duke of Norfolke father of Ifable maryed to James lord Berkeley mother of this lord Wittm ; Averring thereby That they were within the forbidden

In castro de
Berkeley.

degrees

degrees of mariage, hee in the third, and shee in the fourth, And the divorce to bee thereupon : **Which**, if a cause then and at this day, then more then twenty maryed couples within five miles of Berkeley Castle, (not to spread my knowledge further,) may bee divorced ; But to this old writing I wholly subscribe not.

608

Vincent's discovery
of errors fol : 631.
4. cartæ in castro
de Berkeley.
Esch : post mort.
Willelmi Hastings.
pat : 15. E. 4. in
arce London.
4. cartæ in castro
de Berkeley.

His second wife was Jone, (written also Jane,) who had formerly been maryed to S^r William Willoughby, and was daughter, (as M^r Vincent faith,) of | S^r Thomas Strangwayes and Katharine his wife, daughter of Ralph Nevill Earle of Westmerland and widowe of John Mowbray Duke of Norfolke ; which Katharine was thirdly maryed to John Viscount Beaumont, and lastly to S^r John Woodvile ; And dyed in the first year of King Richard the third.

pat. roll : 8. E. 4.

This said Jone was maryed to this lord in November Anno 1468 . in the 8th year of king Edward the fourth ; And for her mariage portion brought the manors of Kirkeby Malfart, Burton in Londestdale, Thornton, Newfame, Brind, and Gribthorp in Spalding moore, in the County of Yorke, And the manor of Donver in Norfolke, for her life, of the inheritance of John Duke of Norfolke, son of the said John ; And one hundred marks p añ out of the kings Customs of London.

claus: 8. E. 4. m. 12:

capt. et recognit.
30. Octobris.

The agreement about the mariage of this second wife will best appear out of this lords obligation dated the 18th of October in the 8th of King Edward the fourth, whereby hee became bound to the Arch-bishop of Yorke, Robert Danby cheife Justice of England, and to Richard Pigot Serjeant at lawe, in three thousand pound, with Condiçon, That if before Christmas next hee maryed Jone Willoughby daughter of Katharine Dutches of Norfolke and sifter of John late Duke of Norfolke, And shall before Candlemas day next following cause himself and her to be enfeofed of the manor of Hame in the County of Glouc^r, of the yearly value of one hundred and threescore pounds p añ, To hold to them and to the heires males of his body, with the remainder to his heires, And also shall permit her to take the profits of the said manors of Kirkby Malfart, Burton in Londestdale, Thornteton, Newfam, Brend, and Gripthorp in Spalding moor, in the County of Yorke, and of the man^r of Donver in the County of Norfolke, And of one hundred marks yearly rent out of the kings Customs at London, to bee disposed of at her pleasure, for the maintenance of her self and her children, and of her weomen servants, without the interruption of him the said Willelm, Then the said bond to bee void.

pat: 8. E. 4. ps. 2.
m: 25:
609

Which foresaid hundred marks yearly rent out of the profits of the customs in the Port of London, king Edward the fourth | had by his tres patents dated but the

the. 18th of August before, granted to the f^d Jone sifter of John late Duke of Norfolke, late wife of S^r Wilm Willoughby Knight, To hold to her and the heires of her body untill the king should provide her of soe much land with like estate ; And for the other manors, they were the inheritance of her brother the Duke of Norfolke.

carta in castro de Berkeley.

Her Joynture from this lord was at severall times made extraordinary great, as the Castle and manor of Berkeley, the manors of Hame, Apleridge, Alkington, Hinton, Hurst, Slimbridge, Wotton, Cowley, Cam, Simondsfall, Daglingworth, Portbury, and many others : Nothing thought too much, The greatest too litle, for her.

cart : 8. 12. et. 17.
E. 4. in castr. de Berk :

And to declare his further affection by adding what more hee had to give, hee the 28th of January in the fifteenth of king Edward the fourth, gave all his goods and Chattles to Thomas lord Stanley, Thomas Berkeley Esq^r and others, to dispose off, as their proper goods ; And by another deed of the same date declares, That the former is made to them 'upon this great trust, That hee shall use those goods during his life without their contradiction, And if hee dye before Jone his wife daughter of Katharine Dutches of Norfolke Aunt to our Sovereigne lord king Edward the fourth, Then they by their deed to grant those goods and chattles to the said Jone as her proper goods, within ten days after his death, And not to come at all to his Executors.

Claus. 15. E. 4.
m. 6. in dorso :

This Jone by her first husband had issue Edward Willoughby, Richard, Cicely maryed to Edward lord Dudley, and Anne maryed to S^r John Beauchamp knight son and heir apparent of Richard lord Beauchamp in the Twentieth of king Edward the fourth ; To whom this lord Wilm, in advancement of her mariage, gave his manor of Erlingham for their lives.

carta : 6. H. 7. in castro de Berkeley.

carta. 20. E. 4. in castro de Berkeley.

And by this lord Wilm her second husband, shee had also issue Thomas Berkeley, and Katharine Berkeley.

Thomas was born that year the lord Lisle was slayne at Nibley Green, as formerly hath been said ; And on the eighteenth of Aprill in the fifteenth year of king Edward the fourth, at the creation of Edward | his eldest son prince of Wales, and of Richard his second son duke of Yorke, and the said Thomas made knight of the Bath : At what time, though hee was not past the age of five years, yet his father in June following enters into an agreement about his mariage with Mary daughter of Anne Countesse of Penbroke ; And besides the portion received in hand,

Stow. in vita : E. 4.

610

carta : 6. Junij in castro de Berkeley.

hand, tooke of her nine severall obligations of one hundred pound the peece for the residue of the marriage portion of the said Mary : wherein it was also agreed, That if shee dyed before marriage or before carnall knowledge had, And that Wittm then Earle of Penbroke had none issue female within five years after to bee maryed to the said S^r Thomas Berkeley, Then the said obligations to bee voyd.

About one year before hee had by the said Jone the said daughter called Katharine, to whom her grandmother the dutcheffe her godmother gave name ; And to her in the same fifteenth year of Edward the 4th this lord conveyed his manor of Came in generall tayle, after the decease of himself and his wife: **Howbeit** both the said S^r Thomas and Katharine very shortly after deceased to the great forrow of their parents, And lye buried in the Chapple of Berkeley church wth the body of their grandfather the lord James.

carta : 9: ffebruar
15. E. 4. in castro
de Berkeley.

voluntas Marchion
Berkeley. 7. H. 7.

Though the manner of these two childrens deaths bee by many old tales diversly delivered, As that they should dye by the biting of a mad dogg ; others that they should bee drowned in one of the castle wells ; And others that they should fall from off the leads over the Castle wall ; (all which by severall persons at severall times I have heard related,) yet I find not otherwise then that they dyed by natures ordinary visitation, And soe I beleewe.

And not many years after, (without further issue,) on S^r Mathias day in ffebruary in the first year of king Richard the third, dyed the said Jone, after that her husbands creation had advanced her to the degree of a Countesse ; And lyeth buried in the pryory Church of the ffryar Augustines in London, between the Altars of our lady and S^r James ; for the repose of whose soule her husband ordained two masses | to bee there fung for ever, and a solemne obite yearly to bee there kept on the said day, as formerly hath been said.

carta. 6. H. 7. in
castro de Berk :

611

Vincent : fol : 631.

Catalog : of honor
fol : 884.
Comp : Will. freme
escaetor : 14. H. 7.
carta in castro de
Berkeley.

The third wife of this lord was Anne daughter of S^r John ffynes lord Dacres of the south, and of Alice his wife daughter and heire of Henry lord fitz Hugh, whom hee maryed about two years after the death of the said lady Jone, towards the end of the first year of king Henry the seaventh, by whom he had noe issue : **This** Anne was this lords wife about seaven years, And after his death lived his widowe, and the wife of S^r Thomas Brandon, almost the like time : And dyed the tenth of September in the . 13th of the said king Henry the seaventh, by whose death the said king had a full possession of all the manors and lands conveyed to him

him by this lord Marques; A great part whereof and of divers other manors shee held for her life in joynture and in dower, As Came, Cowley, Wotton manor, Wotton burrowe, Simondfall, Wotton liberty, Arlingham, Slimbridge, Portbury, Alkington, Hinton, Hame, Newleyes, and the Warth.

divers : comp. in
curr. Augm : et in
castro de Berk :
18. H. 7. et : al :
ann : Comp : 10.
H. 7. ibm.

This lady Anne wrought profitably upon the age of her old husband both for the advancement of her self and of her kindred; And, if not the raifer yet certainly a continuer of the storme that blew foe unnaturall a vapour between her husband and Maurice his brother and heire. Upon whom also Henry the seaventh played as handfomely, in getting from her into his hands forthwith after her husbands death, such of those manors as lay nearest to Berkeley Castle, as, Hame, Hinton, Alkington, Hurst, and Slimbridge, as though hee had longed for the present possession thereof; which hee desires forthwith to fee, as also those others still held by the Marques widowe, And in preparation against his coming and ten days stay att Berkeley Castle, takes down the hall at Wotton house, And makes therewith the rooffe of the great kitchen in Berkeley Castle, adding to the sheets brought from Wotton five fodder of new lead, whereby that prime mansion feat of Wotton became wholly devasted; which for the space of .280. years had been as a Queen of houses to this noble family; having thereby nothing left her but ruins and those ill witneses of her perished beauty, declaring thereby that houses as well as men have their ages and destines; In rakeing up of which rubbish, after John Staunton in the seaventh year of king James had purchased the fee farm of the Scite place of Henry lord Berkeley, Hee then shewed mee and others many signes in gilded bricks stones and peeces of timber, digged by him out of the depth of the rubbish earth, which witnessed a perished excellency.

claus : 9. H. 7. m.
pat. 8. H. 7. m.
breve de privat.
Sigillo in Canc : 9.
H. 7.

comp : rec : 10.
H. 7.
liber in castro de
Berkeley.

612

And now by the king are S^r John Walshe, S^r Robert Poyntz and others, placed Stewards Receivors Surveyers baylyes keepers woodwards and porters, over these manors Castle and lands, (called in all accompts henceforth in the kings Courts, by the name of Berkeleys lands;) which after threescore years (shorter by ten then Iheremies Babilonian captivity of the Jewes,) God revisits this family againe with all, upon the death of king Edward the fixth, As after followeth in the life of Henry lord Berkeley.

orig : sc^acio. 7. H.
7. rot. 28. et. 36.
orig : 8. H. 7. in
sc^acirot. 16. et. 19.
et. 9. H. 7. rot. 42.
et. 13. H. 7. rot. 38.
et. 21. H. 7. rot. 16.

fol : [727]

M^r Mill in his Catalogue of honor maketh this Anne to bee daughter of S^r Thomas Strangways, and the widowe of S^r Wilm Willoughby; And T : T : as hee there affirmeth maketh her the Daughter of the lord Beamont and of Katharine Dutches

catalog : of honor
fol : 884.

- Vincent fo : 53. Dutches of Norfolke his wife : And Vincent affirmeth her to bee the widowe of S^t Thomas Brandon knight when this lord maryed her ; mistakes on all three sides, as formerly appears ; somwhat by my means corrected by M^r Vincent in his discovery of Yorks errors, printed 1622, out of the notes somewhat before (for the love of truth,) given him by mee, which hee accordingly helped in the later part of that booke. |
- Vincent fol : 630.

613

His scales of Armes.

This lord in the seals hee used seems to tast too much of the mother, for in the eighth and tenth of king Edward the fourth and other years, before the discent of the inheritance of Mowbrayes land was cast upon him and his fellow Co-partner, hee, for his manuell or tre seale used the lyon born by Mowbray ; And for his greater seale, the Arms of Brotherton and Berkeley in one Eschucheon cornerwise ; And for crest the helmet and Bishops miter ; And for supporters, two unicorns, circumscribed . S : honorabilis dñi Willi de Berkeley et Wotton. Behold the refemblances in true proportion.



His death and place of buriaill.

Eschaet : 7. H. 7.
in Com Suffex
Wigorn : Warr :
Glouc :

This lord in the fifth year of king Henry the seaventh tooke an house within the precinct of the sanctuary at Westminster for five years at five pound rent, where for his more comodious attendance at the Court hee lived till his death, which happened on S^t Valentines day the 14th of ffebruary . 1491 . in the seaventh yeare of the said king, then of the age of 66 . years and three months or thereabouts ; whereof hee had sit lord, Visc^t, Earle, and Marques, about . 28 . years and three monthes ; And lyeth buried in the Church of the Auguistine ffryars in London aforesaid.

His

His lands whereof hee dyed seized.

I have hitherto in the end of each lords life set down what lands each of them left to his heire, whereof I nowe have better means to inform my self then at any time before ; The Inquisitions after the death of this lord Marques in the Counties of Gloucester, Warwick, Leiceſter, Wigorn, Eſſex, Suffex, Somerſet, Eboꝝ, and other Counties, ſtill fairly remaining in the chapple of the Rolls, And thoſe in the County of Glouc: under ſeale in Berkeley Caſtle: But when I look into them, I find king Henry the ſeaventh and many other perſons intereſſed, and already entred into the poſſeſſion of the great maſſe thereof, by their ſeverall remainders and conveyances therein found : But unto Maurice his brother and heire, Or to his three ſons, Maurice Thomas and James, all at mans eſtate and of apparent hopes, or to the fower ſons of Thomas his youngeſt brother formerly mentioned, I find noe diſcent, or conveyance of any land at all.

Exemp : Sub
magno Sigillo in
caſtro de Berkeley
8 : H : 7.

In forgetting theſe, I feared this lord had forgot his name, for they were all the males then living, diſcended from the loynes of his father, | and princely pious mother : And therefore I hoped for better in his laſt will, for, dies dabit quod dies negabit, what is not of this day may bee of too morrow ; But quanta de ſpe decidi, how farr was I deceived in this great Marques !

615

I found in his will that which was more harſh ; To Iſable Berkeley daughter of his ſaid brother Thomas, a legacy of twenty markes given her by this lord, to bee paid in ten yeares ; And to Margery Berkeley her ſiſter five markes ; And to Richard Berkeley their brother, a legacy of forty ſhillings ; And to John Berkeley another brother, a remainder of leſſe valewe then the leaſt of all the former legacies : Many manors and lands and great legacies given to divers ſtrangers, for life and in fee ſimple ; but noe more, or other, to any of his brothers, nephewes, or neeces.

Volunt. Marchion:
7. H. 7. in Cur:
prerog : Cant.

I feared that at the making of this will ſickneſſe had bereaved this lord of underſtanding, but the date and compoſure thereof declared it to bee in the time of health and memory ; I called to mind that this lords brethren, Maurice and Thomas, were adventurers of their lives with him and for him and for the honor of their fathers poſterity in the ſkirmiſh at Nibley green ; That Maurice out of brotherly love to him and his honor, upon y^e ſhort warning of one night at moſt, ſtole from his young wife and tender ſon, (the hope at that time of both their poſterities,) and met him with a fair band of men, M^r Hilpe, and others, ſuddainly
raiſed

raised from Thornbury, where hee then dwelt, early the next morning neer Nibley green; **That** for his sake and in his quarrell, both their lives were foe farr endangered That they stood outlawed for felony, and ranne the hazard of an appeale of murder, strongly profecuted; **That** Thomas till his death, And Maurice till this lords vast havocking of his patrimony, were as servants under his direction.

carta in castro de
Berkeley.

Cicero :

616

And casting mine eye into the distribution of his lands given to charitable uses, and to pray for soules, I saw the soule of Thomas remembred with an Ave Maria, and Pater noster; but the soule of Maurice, maliciously and purposely omitted; *ô curvæ in terris animæ et cælestium inanes*; This man was born for himself and intended his house and family should | end in himself; A position that the heathen abhorred.

Rot. parl: 17. E. 4.
m: 12. n^o 16.

Vincent fol: 48.
49. 50.

Nevizañ silva
nupt: lib. 4. fol:
354.

Hee was present at the parliament in the 17th of king Edward the 4th, when George Nevill Duke of Bedford, son and heire of John Nevill Marques Mountague, for want of means to support that estate, was degraded from the degree of Duke Marques Earle and Baron; And the reason by this lord Wittm with other his fellow peeres in that parliament then given to bee, for that the law is foe when any wanteth livelode to support the dignity: for it nothing availeth to have honor to discend to the heire of the house, and litle or nothing to maintain that estate or dignity: A learned civilian holdeth, That *diminutis divitijs, diminuitur honor, nam dat census honores, census amicitias*; And that if a noble mans estate bee decayed, hee shall noe more, (faith hee,) bee accompted noble, because hee cannot maintaine that state and title of honor: **And** thereupon, faith the glosse, *Baro non potest dici baro, nisi sit potens ad tenendum equos et arma*: And that when fitting means and livelodes are wanting to maintayne those great callings and titles of honor, divers inconveniences cannot but happen in the Country in which such needy nobility shall abide: **And** that learned man concludes, That *paria sunt perdere vitam ac perdere dominium, nam bona temporalia sunt vita hominis, et per divitias decus et honor in familijs conservatur, et propter paupertatem familiæ fordescunt*; A like it is (faith hee) for a great man to loose life, and to loose lands; for temporall possessions are the life of man, And by Riches is worshipp and honor preserved in families, whereas by poverty they grow contemptible; And therefore this lord leaving nothing to discend upon his brother and heire, hee declared his malice to bee eternall, even in bereaving him of the dignity of a Baron: who neverthelesse is not found to have given any other offence then in contesting against his cutting off the old entaile of the Barony of Berkeley, and in estating the same and a threefold greater masse,
upon

upon strangers, for aire and vain glory ; forgetting withall the rule of the divine lawgiver, **Doe** not to another that which thou wouldest not another should doe unto| thee; otherwise hee would have thought upon his forefathers, And not have exposed 617 their posterity to ruine or basenes, as though hee had desired that all their honor and antiquity should end in him, and himself in his own infamy : **Not** now remembre what his own petition to king Edward the fourth had affirmed of his said brother Maurice and himself, **to bee** the sons of that lady that was discended of his high blood ; instancing that lineage as an argument for favour from that king, and for better speeding in his suites ; **But** God otherwise disposeth than this Marques did purpose ; And how could hee purpose good at his end, that did doe litle in his life ; **But** his harvest day is come, let him reape as hee hath sowed ; **hee** deserveth noe honorable memoriall in this Catalogue of the generations of his fathers.

The application and use of his life.

1. **From** the foule life of this lord may bee drawn many faire instructions for his posterity ; first to begin with God in our youth, That our elder years may relish him the better ; The proverbe is wicked, A young Saint, and an old devill ; for quod nova testa capit, inveterata sapit : All vessells tast of their first seasonings ; **Soone** crookes the tree that a good cambrill will bee ; Quickly pricks the tree that a good thorn will bee ; Seldome doth that man end well, that began ill ; **hee** that walketh mad a mile, seldome comes homes wife ; **As** in this lord, whose ill led life in youth grew worfe in age ; **A** man that from the font to the grave, from his swathing bonds to his winding sheet, walked alwayes byaswife.¹ The use.

2. **Secondly** not to dipp the tipp of their finger in blood least the wholl body bee defiled, as hear wee see it : Margaret Countes of Shroef|bury, lawlessly powring 618 out the blood of the lady Ifable this lords mother, had the same measure returned upon the head of her grandchild and heire, the lord viscount Lisle, by this lord Wittm, son and heire of that lady Ifable ; **And** the cry of blood in both foe prevailed with God, That against hope and likelihood they left noe issue to posterity, as before appears ; **And** it is to bee noted, That howsoever this fact may in honor and reputation seeme justifiable, yet evill doing is ever attended with ill succes ; for this family seeth That this their Ancestor who made another childless had by the returning hand of heaven his own children shortly after taken from the earth, and the bodies of himself and his wife, contrary to hope, dried up in barrennes.

3. **Thirdly,**

¹ In a sloping or slippery manner.—[Ed.]

3. **Thirdly**, not to daube up our titles with the mortar of violence or bloud, as this lord did, which notwithstanding all possible art used in the smoothing, yet never left shaking till it dissolved and fell about the workmans ears : **Pea**, and from the posterities of all this lords brethren also, for that their pertaking hands were imbrued in the same bason, The staine whereof remained till fower generations did wash it out, As in the life of Henry lord Berkeley appears.

4. **fourthly**, That it is not much having That maintaineth a family in a plentiful estate or maketh rich, for none of this lords Ancestors had so much as hee ; But a provident saving and a wise husbanding what wee have, which this vast lord neglecting, scarce found sufficient for his later years, and left nothing to posterity save a thriftless president ; which if they seriously viewe this example in their own meridian of this unadvised prodigall man, may serve as a reclaymer from inordinate prodigality, And bee a perswader to discreet frugality, the true conserver of state and families.

5. **fifthly**, not to transgreffe that morall duty required by God and nature, our obedience to our parents ; a commandment which this lord for many yeares grossly transgressed, And sped thereafter.

6. **Sixthly**, not to make our malice or displeasure immortall towards any, but
619 least of all to our brethren or Allies ; An offence of this lords | which I pray the heavens may blot out from the remembrance of men, and never bee againe beheld in this family.

7. **Seaventhly**, not to bee too popular or ambitious : for mens titles are but mens breath, a blast of air and wind ; **If** popular titles, the wind of a vulgar pair of bellows ; **If** of a higher straine, the wind of a guilt pair of bellows, Soe all but wind. **Swell** all thou canst, thou art but a shadowe ; **Take** the wall of the gods if thou wilt, All thy glory is but vanity ; **And** under thy name, (man,) are comprehended all the vanities and miferies of this world, Quemcunque miserum videris, hominem scias :

Seneca trag :

8. **Eighthly**, sith **goodnes** and **greatnes** are the true ends whereto each man intends, And according to that choice, of being good or great, each man doth frame the practice of his life : Sith this lord by choosing greatnes did nothing benefit himself but hurt his posterity, I wish his present heire may, (by this error of his Ancestor,)

Ancestor,)

Ancestor,) after that choice, And surely by being Good hee will be great also, And better speed with God and man.

9. **Againe**, it is not the least of wisdoms meditations for this lords posterity to confider, how this great lord and Ancestor of theirs was befool'd or flattered out of his estate, or suffered himself foe to bee ; And to observe the miserable fate of princes and great personages, to bee eaten up and their posterities also, by flatterers, the cruellest of all beasts, Beasts that bite smiling ; whereas wise men are never much affected with the applauses of the rude and unskilfull vulgar, but hold fast to their own well chosen and well fixed resolutions : Every foole knows what is wont to bee done, But what is best to bee done is known onely to the wise : The wiser the man, the less hee will looke after the vain and popular multitude.

10. **Lastly**, by the death of this Marques children, and his dying issueles, his posterity may conceive That hee paid thereby the debt of blood wth himself had shed ; A crying sin, which I pray may never houle in the generations of this family : And take his character from this, That hee was much trusted And received alike honors and favors from those four kings, Henry the sixth, Edward the fourth, Richard the third, and Henry the seventh ; as opposite | and discording amongst 620 themselves, as man might bee to man ; And yet this lord held unsuspected by each of them : But, whether with this serpentine prudence hee had columbine simplicity, I leave his life to declare, and his posterity to Judge, and thereafter to make their use.

The Life of Maurice the Fifth

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The Life of Maurice Lord Berkeley the fifth of that name, stiled in writings, Maurice Berkeley of Thornbury Esq^r; **And** Maurice Berkeley, brother and heire of William late Marques Berkeley; **And** Maurice lord Berkeley, brother and heire of William late Marques Berkeley and Earle of Nottingham; **And** Maurice lord Berkeley; **And** Maurice Berkeley, lord Berkeley.

And was Attavus, or as our Ancestors the Saxons called him fiftha fader, to the now George lord Berkeley; And wee at this day in English, great-great-great-grandfather, or great grandfathers grandfather.

And may bee called Maurice the Lawier.

Contemporar^y with king Henry the seaventh, from the year 1491 till 1506.

Whose life I deliver under these Nine titles, viz^t.

- 1.—**His** birth and education, fol : 598.
- 2.—**His** Suits in law, fol : 599.
- 3.—**Of** the Advowfons of Wotton and Slimbridge Churches. fol : 613, 615.
- 4.—**His** wife, fol : 618.
- 5.—**His** issue, fol : 623.
- 6.—**His** seales of Armes, fol : 633.
- 7.—**His** death and place of buriall, fol : 633.
- 8.—**The** lands whereof hee dyed feized, fol : 634.
- 9.—**The** application and use of his life, fol : 636.

His

¹ The numbers of the folios in passing from Vol. II. to Vol. III. of the MS. overlap. Vol. II. ends with fo. 620, and Vol. III. begins with 597.—[ED.]

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His Birth and Education.

Escha : 8 et 9.
H. 7. m. 7. Com.

This lord Maurice was the third son of the lord James his father and of the lady Isable his wife, born at Berkeley in the yeare of our lord 1435, in the fourteenth year of king Henry the sixth, if the Inquisitions after the death of his brother Marques Berkeley have his age aright ; And now at his age of fifty six years, (by the death of the two elder sons without issue,) becometh in this . 7th of Henry the . 7th heire to his fathers Barony, but without any of that land ; who being the first of third feaven, by his industry recovers all, As Maurice the first of the second feaven, by his Rebellion lost all.

The education of this lord Maurice was likewise at Berkeley under his parents, untill the forcing of the Castle by the lord Lisle in the 30th of king Henry the sixth, and the murder of his vertuous mother in the year after, about the 17th of his age ; what time himselfe with his father and three brothers were made prisoners, holding their lives at the mercy of those that hated them, as in the two last lives of this lords brother and father, is at large related.

Diversæ cartæ in
castro de Berkeley.

In the fifth yeare of king Edward the fourth, about one year and a halfe after his fathers death, this lord Maurice, then in the thirtieth year of his age, maryed and lived with his wife at Thornbury, (where of his own and hers hee had faire lands, and thereby was comonly called Maurice Berkeley of Thornbury,) untill the fifth year after, when hee assisted his elder and younger brothers in the encounter at Nibly green, whereat the lord Lisle by them was slaine ; for which felonious fact, hee was outlawed, and inforced for some time after, (till peace was made and pardon procured,) to withdraw himself and leave Thornbury, as formerly is related ; whither after hee returned and for many yeares remained. |

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His suits in Lawe.

At such time as this lord Maurice beheld all his elder brothers Children dead without issue, And the lady his wife whereby hee had them not more likely to live then unlikely to have more: when after hee saw her dead, and his brother as unlike by reason of age and other defects to beget any other : but more espetially when
afterwards

afterwards hee saw his brother remaryed to another wife, as unlikely by reason of her years to conceive, as hee to become a father, his pulse could not otherwise beat, then with a strong assurance that himself, (at least his son,) should inherite that estate whereof the Earle his elder brother was in those times seized; wherein hee was so confident, That upon the marriage of Maurice his own son and heir in the second year of king Richard the third, (as at some other times,) hee covenanted under his hand and seale to assure unto his daughter in lawe one hundred marks Joynture by the yeare, out of the manors of Came Slimbridge and others, which should descend to him after the death of his said elder brother; never suspecting that any passion could so prevaile as to work his disinheritation of the Barony lands of Berkeley: faith and Hope can never forsake an honest man, And every noble creature upon earth liveth under hope; So did hee: **But** this Accompt hee cast without his host, for within lesse then seaven years hee had nothing that was his Ancestors left unto him, or to his sons, in possession, in reall or personall estate, more then a tongue to complaine of the injustice of a brother; And so might have stood upon the tune of Jobs naked coming, and naked againe returning; And how that that God that gave had againe taken away what hee had given; And have contented himself with the consideration of fortunes change in this great theatre of the world, and to have acknowledged it to bee but as the personating of a player, or change of garments, on the lesse theatre; And have said,

Job: cap. 1.
vers: 21.

That man is not unlike a tennis ball,

Now toft aloft, now dashed against a wall.

But hee turned another way, and added a wife industry to every ordinary meanes;|

The date tree mounteth most, when burden presseth down,

600

And virtue most doth shine, when fortune most doth frown.

And according to the Nobler parts of his excellent spirit, resolved in this his æconomicall distresse to turn every stone, and to begin with a judicious examination of the validity of his brother Marques Deeds of sales, as his first attempts of rowling up of fortune; wherein hee found a greater spring of Gods mercy flowing upon those endeavours than at first hee might have hoped for, leaving thereby a more memorable example to his posterity then himself had found in any of his ancestors; which his industry was so blessed from heaven That hee justly hath the honorable testimony amongst his generations to bee the restorer of his house, and a second father to his family.

When the Inquisitions after his brothers death the Marques were returned into the Chancery, which presented unto him out of all Counties the Alyenations which hee

hee had made, hee then perceived himself born under the same constellation with his father and brother, That with them hee must enter with suites and as unlike as they to end them but with his own days, which proved true ; In this only different, they to defend their old inheritance descended upon them, hee to regaine part of that, (if hee could,) which his elder brother had profusedly given away and scattered, with the fuspention of his Barony.

The first of his brothers conveyances which this lord took into consideration was the fine leavyed in the third year of king Henry the seaventh of the manor of Slimbridge with the appurtenances, (amongst others,) in the County of Glouc.; with a render therein to himself and to the heirs of his body, the remainder to the said king and the heirs males of his body, the remainder to the right heirs of him the said Marques: Hee found withall, That in Slimbridge was another litle manor called Sages, which his Ancestor Thomas the third had in the time of king Edward the third, purchased of one John Sage, consisting of seaven Tenements and 290 acres of Land, of the value of 15^l p anñ or thereabouts, lying scatteredly disperfed within the parish of Slimbridge: Here hee espyed the first glimpse of the dawning of a faire day, for under colour of that fine, (of the manor of Slimbridge cum ptineñ,) the king, (the | Marques being dead without issue,) had entred also into the little manor of Sages, And as part of Slimbridge manor tooke the rents and profitts.

carta in castro de
Berkeley.

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Rec: in scđio
Rec: incur. Augm.

Rec. cuř in castro
de Berkeley.

carta in castro de
Berkeley.

Whereupon this lord exhibits his petition to the kinge, shewing that this Sages manor, (called also Sages livelode,) was an antient manor of it self and noe part of the manor of Slimbridge, nor comprehended in any spetiall or generall words of the said fyne ; And that the king besides this manor of Sages, had as much in Manors acres and rent as was contained in the fine ; All which, after survey taken by Comission, and certificate from the kings Auditor Surveyor and Receiver, (returned into the Exchequer,) being found to bee true, hee was licenced to enter into and hold the said manor of Sages ; And this was the harvest of his first labours, and part of the crop of five years paines. The tenth of Aprill following in the 14th yeare of Henry the 7th hee enters and holds his first Court for the said manor of Sages, whereat each tenant did atturue and recognize what severally they held; And the twentieth of May following, (mindfull of his said Covenant made upon his daughter Anne her marriage,) demised the said manor, (by the name of Maurice lord Berkeley,) to Willm Denis his son in lawe for nine years, which was part of her mariage portion.

His

His second onset was againe upon the king, to whom, (whilst the former for Sages manor was in chafe,) hee exhibits a second petition, wherein hee layeth down the words of his brothers fines levied, (with like remainders as aforesaid,) of the manors of Berkeley, Hame, Apleridge, Cowley, Alkington, Came, Hinton, Wotton, Simondsfall, and Arlingham, and of certaine messuages, lands Tenements and rents in Slimbridge, Kingfcote, Horwood, Horton, Nibly, Sherncliffe, Erlingham, Iron Acton, and Acton Ilger, in the County of Glouc. ; And shews, That under colour thereof John Walfsh his Maj^{ties} Receiver had taken from him two and twenty marks of yearly rent in Frampton upon Seavern, which was not comprised in any of the said fynes, and whereof his brother Marques dyed in ffee, as of a rent in grofs out of the 1st manor of Frampton, And was not a rent appertaining to any of the said manors : And for proof, layeth down the first creating of that rent by his Ancestor Thomas the second in the 33th yeare of king Edward the 1st first ; And also how it appeared by the last will of the said Marques That it was not contained in any of the said fines, for that his intent therein was That two Preists should after his death bee maintained with the same to sing for his soule ; And therefore desired to bee restored to the said rent, And to have Ires of discharge to his Maj^{ties} officers ; which was done in the like course of Survey and certificates as of Sages manor ; And this was the further crop of his second harvest.

Petitio in castro
de Berkeley.
finis Hillar. 3.
H. 7. in banco.
fin. Trin. 3. H. 7.
in banco.

finis. 32. & 33.
E. 1. in banco.

602
carta in castro de
Berkeley.

Voluntas
marchionū 1491. 7.
H. 7.

His third industry, (labored also whilst the two former were on foot,) was with S^r Thomas Brandon knight, Aswell whilst hee was husband to Anne the third and last wife of his brother Marques, As after her death ; between whom upon a suite in Chancery at last it was agreed, (shee being dead,) That the said S^r Thomas should suffer this lord Maurice to receive all the rents and profits of the manors and lands that were his said brothers, which the said S^r Thomas had to dispose for the performance of the said Marques will, from Michaelmas before, And to release all his right and interest in them, and to deliver up all the evidences concerning them, And to doe his best endeavour that others enfeoffed with him should doe the like: And to justifie all such suites as this lord Maurice should bringe in his name against any persons as administrator to the said Marques his brother, for any debts covenants or duties due unto him : **Hee** on the other part covenanting to save harmlesse the said S^r Thomas Brandon from all actions that should bee brought against him as Administrator to the said Marques, And to pay all the Marques debts, or to compound for the same : And thus did this lord wisely winde himself into the possession of the manors of Winge, Segrave in Pen, and little Marloe in the County of Buckingham ; And into the manors of Sileby, and Mountsorrell, and the hundred of Gosfote, in the

carta : 25. Junij
16. H. 7. in castro.
de Berkeley.
Bill in canc. 15.
H. 7.

carta. 16. H. 7. in
castr. de Berkeley.
Volunt
Marchionis
Berkeley. 7. H. 7.
in cur. prer. Cant.

County

County of Leiceſter, and divers others ; And alſo enabled himſelf to take the benefit of his brothers Covenantors, and the better to dive into his titles and conveyances, none of which the gall of Anne the Marques widow whilſt ſhee lived would permit him to doe.

603 **Whilſt** theſe and many other queſtions raiſed by this lord Maurice were controverted, the manor of Tetbury in the County of Glouc., and of Maningford Brewes in the County of Wilts, the moitie of the manors of Leigh, Cothorne, and Gate Burton, in the County of Linc., and of Woverſthorp in the County of Yorke, diſcended upon him as being one of the two coheirs of the lord Breouſe ; | whereby hee was the better enabled both in eſtate and reputation to purſue the Weſtminſter hall warrs, wherein hee dyed imbroyled, as after followeth.

About this time a declaration or claime was drawn by this lord and his counſell of his title and his fellow copartners to divers other manors and parts of manors, and lands, wherein the diſcent and title is in theſe words thus laid down, as in an old hand-writing of that time in the Caſtle of Berkeley appears ;

1. **Maurice** lord Berkeley is cozen and one of the heires of Thomas ſometime duke of Norfolke, Earle Marſhall and Warren, lord Mowbray, Segrave, Gower, and Brewes ; of the Caſtle and lordſhips of Holt, Bromfeild, Yale and Wrexham ; That is to wete, The ſaid Maurice is ſon of Ifable, ſiſter of John, fader to John, fader of John late Duke of Norfolke, which third John late Duke of Norfolke had iſſue Anne, married to Richard the ſecond ſon of king Edward the fourth.

2. **Item**, That Thomas Earle of Surrey is another Cozen and heire unto the ſaid John third Duke of Norfolke ; That is to ſay, ſon of John Howard knight laſt Duke of Norfolke, ſon of Margaret ſiſter to the ſaid Ifable, and ſiſter to the ſaid John fader of John, fader of John ; which third John was fader to Anne that was maryed to Richard ſecond ſon to king Edward the fourth. **And** ſo the ſaid Maurice now lord Berkeley is cozen and one of the heires to all the ſaid three dukes, And to the ſaid Thomas ſometime Earle Marſhall and afterwards Duke and fader to the firſt of the ſaid three Johns Dukes of Norfolke, &c. and comperciner with the ſaid Thomas Howard now earle of Surrey, and inheritable with the ſame Thomas to the Dukedom of Norff. Earle Marſhall and Warren, lord Mowbray, Segrave, Gower, and Breouſe.

3. **Item**

3. **Item**, the said Moreys now lord Berkeley is Cozen and one of the heires of Thomas sometimes Earle of Arundle, and of Richard fader of the said Tho:^s That is to say, son of Ifable daughter of Elizabeth, one of the daughters and heires of the said Richard late Earle of Arundle, and sifter and one of the heires of the said Thomas.

4. **Item**, Thomas Earle of Surrey is Cozen and another of the heires aswell of the said Richard late Earle of Arundle, as of Thomas late Earle of Arundle; That is, son of John Howard knight late Duke of Norfolke, son of Margaret daughter of the said Elizabeth, and one of the heires of the said Richard late Earle of Arundle, and sifter and one of the heires of the said Thomas Earle of Arundle.]

5. **Item** Thomas Standley knight Earle of Darby is a Cozen and third heire 604 of the said Richard and Thomas late Earles of Arundle; That is to wete, The 1st Thomas Earle of Darby son of his moder daughter of the said Elizabeth late Dutches of Norfolke, daughter of the said Richard late Earle of Arundle, and sifter to the said Thomas.

6. **Item**, S^r John Wingfeild knight is Cozen and one of the heires of the said Richard and Thomas late Earles of Arundle; That is to wete, the son of John Wingfeild knight, the son of his moder daughter of the said Elizabeth late Dutches of Norfolke, one of the daughters and heires of the said Richard late Earle of Arundle, and sifter to the said Thomas.

And then in the said old writinge followeth thus :

Memorandum, that the said Elizabeth late Dutches of Norfolke had two husbands, That is to say, Thomas Earle Marshall, afterwards Duke of Norfolke, by whom they two had issue the said Ifable moder of my said lord Berkeley and Margaret grandmother to the said Thomas now Earle of Surrey.

And then thus :

Memorandum, that there was a third daughter of the said Richard Earle of Arundle and sifter to Thomas, called Margaret, and maryed to one Lentall, which Margaret is dead without issue : And foe the 1st Earle of Surrey, lord Berkeley, the Earle of Darby, and S^r John Wingfeild, been heires to the said Elizabeth late Dutches of Norfolke, and inheritable to the moitye of the Arundle lands that bee not entailed to the heires males in the form abovesaid.

Item,

Item, George Nevill knight lord Burgevenny is Cozen and one of the heirs, aswell to the said Richard late Earle of Arundle, as to the said Thomas late Earle of Arundle, and inheritable to the moitye of all the manors and Castles that longed to the said late Earles of Arundle not entailed to the heirs male hooly; Againe, the said Earle of Surrey, lord Stanley, lord Berkeley, and S^r John Wingfeild knight, That is to wete, son of George, son of Elizabeth, daughter of Thomas late Earle of Worcester, son of Jane somtime Lady Burgevenny, the second daughter to the said Richared late Earl of Arundle, and sifter and one of the heires to Thomas late
 605 Earle of Arun|dle, and the said Jane full sifter to the said Elizabeth late Dutches of Norfolke, and one of the heires and compertioners unto the said Thomas late Earle of Arundle: **Thus**, this antient writing, which I have hear laid down in the same words, Aswell for the great Nobleness of the Allience and discent of this industrious lord, whose princely bloud yet streameth in the veynes of the numerous posterities of himself and of Thomas Berkeley his youngest brother, and others disceded of their mother, as before in the issue of that Thomas and his sisters, and as after in the issue of this lord Maurice appeareth; As also for avoiding of often repetitions in the titles which this lord pretended to divers great possessions, which now doe follow, not otherwise foe fairely to have been avoided.

Esch : in Co^m
 Ebo^z 8 : H. 7. in
 Canc.

The Inquisition after the Marques Berkeleys death taken in the County of York the 30th of August in the . 8th year of king Henry the 7th findeth a conveyance by him made the 23th of February in the third year of the said king, of the manors of Donington, Thwaites, Thriske, Hovingham, Kirkeby Malasard, and Burton in Lovisdale, to the use of himself and y^e heires of his body, And for default of such issue, To the use of Thomas Stanley Earle of Derby, and the heirs of his body; And for default of such issue, To the use of the right heires of him the said Marques; That the Marques was dead without issue in ffebruary before, And that the said Earle of Derby had entred and taken the proffitts of the said manors, and that this lord Maurice was brother and heire to the said Marques, fifty six years old and upwards. **Other** Inquisitions also in other Counties find the like Conveyances of estateing of the said Earle of Derby, for default of issue of the said Marques, in the manors of Winge, Segrave, and Penne, in the County of Bucks, And in the manor of Denge ats Dengy in the County of Essex, And in the manors of Epworth, Belton, Haxey, Ouston, and Wrote, in the Isle of Exholme in the County of Lincolne, And in the manor of Alspath in Meriden in the County of Warwicke; **Against** which conveyances this lord Maurice raiseth his utmost opposition, and foe strongly purfueth against the said Earle and George lord Strange his eldest

eldest son, And after their deaths against Thomas Earle of Darby son of the said George, That the 8th of November in the 21th yeare of the said king, (after many References in five former yeares to divers noble and learned Arbitrators, which bare noe fruite,) they came to an agreement; and a finall peace amity and award, (to use the very words of the deed of | Award,) by the mediation and advice of their kinf-folks and friends, and of S^r John Fyneux cheife Justice of the kings bench, and of S^r Thomas Frowicke cheife Justice of the Comon pleas, was made between the said Earle on the one part and this lord Maurice and Maurice Berkeley his son and heire apparant on the other part, whereby this lord Maurice had to him and his heires the lordships and manors of Winge, Segrave, and Penne, in the County of Buckingham, the manor of Denge ats Dengy in the County of Effex, and the manors of Hovingham Donington and Twaytes in the County of Yorke. And the said Earle of Derby had to him and his heires the said manors of Belton, Haxey, Oufston, Wrote, Thriske, Kirkeby Malfard, Burton in Lovisdale, and Alspath in Meriden, and all lands in any of them. And recoveryes and other assurances were had and suffered accordingly by either party, each to other.

carta irrot. in
bancocōi: in Mich.
21. H. 7.

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Recov'y. Trin.
Terme 21 H. 7.
rot. 420. Eboꝝ &c.
in banco.

Hanging this suite, which was longe and chargeable, and against as noble and potent adversaries as lived in those days, and upon whom shined the favours of the time, As many indirect and collaterall courses were laboured to barre the titles and claimes of this lord Maurice, by collaterall Warranties and otherwise, as wit, money, law, favour of time and greatnes could worke; whereof, (omitting many which I have observed,) I hear only mention three Deeds which the said Earles procured in Aprill in the 13th of King Henry the 7th, and in August in the 16th of the said king; whereby Isable Harrifon widowe, daughter and heire of Alice, one of the daughters of James lord Berkeley and sister of the whole bloud to the said Marques Berkeley and to this lord Maurice, (for so the Deeds lay down her pedegree,) releas'd to the said Thomas Earle of Derby and his heires all her right in all the said manors perticularly, And also in Slagham in the County of Suffex, and in Wiffeld in the County of Surry, And in Segrave in the County of Leicester. And the said Earle, the better to strengthen his title, did in the 20th of king Henry the 7th give 1300 marks to Elizabeth Dutches of Norfolke, to wind himself into possession by buying out her estate for life in some of the said manors, which (as her death declared,) would have fallen into his hands within two yeares after, whereby hee made noe very good markett; yet did this industrious lord Maurice breake through all barrs and obstacles, and prevailed as aforesaid.

2 Cartæ irrot. in
com. banco. Mich:
Term. 17. H. 7.
Carta irrot. 22. H.
7. in Canc :

carta in castro
de Berkeley.

Howbeit this peace was not so foundly on each part fawdred, but | that after-wards it leaked at certaine crannells, which were once againe cemented by an order

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Cancellar in Chancery dated the 22th of February in the 5th year of king Henry the 8th, made between Thomas Howard then Duke of Norfolk, the said Earle of Darby and the lord Maurice this lords son; whereby two chests of Evidence remaining in the Rolls Chapple were perused and sorted touching those manors and lands which were in variance, by friends in trust appointed by each of them : which being done, the lord Chancellor and the Two cheife Justices of the kings bench, and comon pleas, did the fourth and 7th days of March after in the starrechamber, deliver such of those evidences to each party as appertained to them ; Appointing notwithstanding many still to remaine there in two canvas bags in a chest, which for ought I can find should remaine there to this day. Anno . 1628. which through want of leifure I have not searched after, and only talked thereof with the Usher that keeps other huge heaps and chests there also.

Ordo in Cam
stest 5. H. 8.

carta in castro de
Berkeley.

And somewhat to sattisfie Curiosity and to enlighten the legall part of this lords life and his sons, I tell his posterity, That this lords titles to the said Manors of Thiske, Hovingham, Burton in Lovisdale, and Kirkeby Malfart, somtime parcell of the lands of Roger le Bigod Earle of Norfolk, And to the manors of Epworth, Ouston and Haxey members of the said manor of Thiske, were derived from the grant of king Edward the second to his brother Thomas de Brotherton and Mary his wife, and to the heires of their bodies ; And to the manors of Segrave in Penne in Co^m Buck : and Twaytes in Co^m Ebo^x, and to Doningworth in Co^m Suff. by an entaile made to John lord Segrave, and Margaret his wife daughter and heire of the said Thomas Brotherton. **And** to the manor of Winge in Co^m Buck, by an entaile made by Richard Earle of Arundle to Thomas Mowbray duke of Norfolk and Elizabeth his wife, daughter and coheire of the said Richard the Earle : And so to these and other manors layeth the discent as afore said ; Concluding, That in the partition between the Howards and his brother Marques, these were allotted to his said brother, whose heire hee was.

petitio in Cancell
in castro de
Berkeley
Rec : in sc^oio 8.
H. 7. rot. 16. inter
origiⁿ cum rem
Thesaur.

608

Acco in cu^r augm :
10. et. 11. H. 7.
de Berkeleys lands.

Now falleth this lord upon an adversary somewhat less potent, but more bitter then any of the former ; And by the name of Maurice Berkeley lord Berkeley exhibits his bill in Chancery against S^r Robert Poyntz of Acton knight, then an Esq^r of the body to King Henry the 7th and whom that king a little before had made his Steward of the manor and hundred of Berkeley ; demaunding thereby to have divers evidences which hee detained from him | touching his manor of Daglingworth in the County of Glouc., entailed upon him from divers of his Auncestors, and whereof, (as speaks his bill,) hee was peaceably possessed and seized.

Sir

Sir Rob^t Poyntz, (scornfully flighting as it seemes the honor of the pl^t and his title of lord Berkeley, and perhaps the rather because hee was the kings high Steward of that honor and Barony,) maketh answere to the Bill of Maurice Berkeley Squire, And faith, That that manor of Daglingworth is his rightfull inheritance discended to him from his Ancestors, for which hee hath a Scire facias hanging against the said Maurice at the com^{on} law for the recontinuance of his right in the same, And soe Justifieth the keeping of whatsoever evidence hee hath.

Responfit
Rec: in sc^o. 8.
H. 7. rot. 16.

This lord Maurice taketh notice of the defendants flighting of his honor dignity title and stile of lord, And thereupon in his replication to the said Answere, enlargeth his stile, and faith, This is the Replication of ~~Maurice~~ lord Berkeley brother and heire of William late Marques Berkeley: ~~And~~ further faith, ~~That~~ after the death of the said Marques Berkeley his brother, one espetiall Deed of the said manor with an obligation of a great sum concerning the right title and security of the same manor to and for the Ancestors of him the said lord, and for the fuerty of him the same lord and his heires in the same manor, with many other evidences belonging to him the said lord Berkeley, were (amongst others) in a chest within the Gray ffryars of London, which chest aswell for the fuerty of divers evidences pertayninge to the kinge, as for the evidences ptaining to him the said lord Berkeley, was sealed up by William Maryner then comon preist to the Cardinall Archbishop of Canterbury, unto the time the said S^t Robert Poyntz, pretending title without ground or cause to the said Manor, by sinister, and corrupt meanes came to the said chest, and there with an hott knife loosed the under part of the wax of the same seale from the same chest, and opened the chest and searched all the evidences therein at his pleasure; And thereupon took away the said deed of entaile and obligation, with divers other evidences concerning the said manor, which were in the keeping of the said Marques, and put there by him safely to bee kept to the use of him and of his heires, whose brother and heire hee the said lord Berkeley now is, And therefore for the said evidences hath sued a subpena against the said Robert; And that his suing of his Scire facias is but to colour his wrongfull keeping of the said evidences from him the said lord Berkeley. |

Replicatio

The defendant S^t Robert rejoyneth, and in the title of his rejoinder seemeth more to flight the honor and stile of this lord then before; saying, **This** is the rejoinder of S^t Robert Pointz knight to the replication of Maurice Berkeley, (omitting the word Squire, which formerly in his Answere hee had bestowed,) And faith, That after the death of one John Walsh who held the said house in the gray ffryers in London,

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Rejoinder

London, And before hee the faid S^r Robert entred or dealt with the fame, an Inventory was made of all fuch goods as the faid Walsh had in that houle, and prayfed by the faid Maryner, then being preift to the faid Cardinall ; At which time the faid Maryner found three chefts there well locked with evidences, which hee then fealed with his own Seale ; And after hee the faid S^r Robert tooke the houle of the Warden of the faid ffryers for certaine years, and found there the faid three chefts locked and fealed with the feale of the faid Maryner, (hee fkippeh over the opening,) which three chefts after that time at the fpetiall labour of the faid Maurice, and by the comandment of S^r Reginald Bray knight, a Councillor of ftate, were delivered, fealed with the fame Seale of the faid Maryner, to Wittm Heydon and Thomas Try, with other fervants and freinds of the faid Maurice ; And further that the Scire facias was fued to recontinue the true title of him the faid S^r Robert, longe before the faid Subpena had againft him.

The titles of either of the faid parties made to the faid Manor of Daglingworth flood thus.

Ralph Bluett, (in whose name the faid manor had continued for many difcents,) entailed the fame upon Ralph his fon and Elizabeth his wife, and the heires of the faid Ralph the fon begotten on the body of the faid Elizabeth ; who had iffue John Bluett, who had iffue Elizabeth marryed to S^r James Berkeley, who had iffue James lord Berkeley father of the faid Marques and of this lord Maurice. That James lord Berkeley afterwards enfeoffed Richard Venables and others of the faid manor to certaine ufes ; and after by fyne the faid lord James and Ifable his wife granted the fame to Nicholas Poyntz and Elizabeth his wife and to the heirs of the faid Nicholas, who was father of S^r John Poyntz, father of this S^r Robert ; The eftate
 610 of which Richard Venables | and his fellow feoffees the faid Marques Berkeley had from whom the faid manor difcended to this lord Maurice as to his brother and heire, who entred, and thereby was remitted to the entaile made by Ralph Bluett the father, And foe is feized ; And foe alfo, That the faid lord James his father and other parties to the faid fine, had nothing in the faid manor at the time of the fyne leavyed.

There was alfo banded with like bitternes one other fuite at lawe between this lord and the faid S^r Robert Poyntz, for certaine other lands in Daglingworth and Cirencefter, whereto S^r Robert made title under a guift in taile made by Ponce Poyntz, fon of Nicholas, unto Thomas Poyntz and Alice his wife and to the heirs
 of

of their bodies; And layeth down, That the said Thomas and Alice had issue Robert Poyntz, father of Nicholas before mentioned, who by Elizabeth his wife had issue John, father of the said S^r Robert pl^t. in the Ac^con. **But** this lord carryed the action and said lands against him by like nicety as before.

I have often observed, aswell in the titles and suites which I mention in this lords life, as in divers others which I purposely omit, (because the lands are longe since aliyed from this family,) **That** the pinches & advantages which this lord, and after him his eldest son Maurice, (no way inferior to his father,) took to divers manors lands services and tenures, to help themselves in pleadings and in evidence, were soe witty soe strict and soe nice, standing, (as I may truly say,) oftentimes upon differences without diversities, That I have wondered, reading the straines of Counsell, That they would fasten upon such pinches and extremities, and against adversaries soe potent; And more, how they could bring them to soe gainfull Conclusions, for they ever gained the whole or part; But as they stood in need of land to rebuild their house which their vast Ancestor the Marques had burned down, Soe were they learned made wise by adversity and experience, and excellent Solicitors in their own persons: **And** such as the Sollicitor is, such commonly is the successe: They knew how to take every advantage, but to give none.

Upon this double suite between this lord and S^r Robert Poyntz, (as the root from whence the bitterness of many after years contentions did spring,) I might in due course of Storey fall upon the perticular enumeration of those successive suites, riots and braules that afterwards | too often burst forth and blustered between 611 their severall posterities, for five or more discents together, and which were scarce perfectly cured when the late lord Henry dyed; Yet was an intermarriage between their grandchildren for that effect specially; **But** I am unwilling to take any occasion to ravell one thread of that coate which among kindred should bee seamless; Unfavorable vapours will fast enough arise, (sith truth of story will not permitt the omission,) and let him that loveth the airy memory of such contentious passages seek them in their severall places; my pen shall bee noe index therein.

Here also might not unfitly bee taken to consider the ground which might lead the said S^r Robert soe to slight this lord Maurice, as in a kind to untittle and dislord him; **And** whether this Barony of Berkeley at this time stood soe suspended in the possession of the Crown, by reason of the Marques Berkeleys entaile made to kinge Henry the seaventh and the heirs males of his body, as that this Maurice was really noe Baron nor Peere of this Realme; **But** time shall bee taken for examination thereof

fol: [654] thereof in the life of the lord Maurice this lords son, being unwilling to make foe large a digression in the midst of this lords lawfuits, whereto I now againe returne.

Act of Parliam.
19. H. 7.
meñ in scēij. Trin
Terme. 9. H. 8.
rot. 1. carta in
castro de Berkeley.

After long attendance at Court, many petitions delivered to the king, many freinds rayfed not without great expences and greater promifes, at the last the lord Maurice obtained the kings direction to have an Act of parliament passed in the 19th yeare of his raigne, to make void two former Acts of the 5th and 7th of the said king Henry the seaventh; whereby this lord obtained the manor of Chesterford with the Advowson thereof in the County of Effex (where his brother was in building at his death, but not for him,) The fourth part of the manors of Brighthemstōn, Cleiton, Middleton, Meching, Seford, and Alington; And the fourth part of the moitie of the manors of Cokefeild, Hunden, and Kymer; And the fourth part of the moitie of the Chace of Cleres, the Forrest of Worth, the Burrowe of Lewes, the Barony of Lewes, the profits of the Courts of No mans land, and of 36^s 2^d, rent in Iford, in the County of Suffex; And of the fourth part of the manors of Reygate and Dorking; And the fourth part of the moitie of the Toll of Guilford and Southwerke, in the County of Surrey: And of the fourth part of the manor of Tyborne at Marybone in the County of Middlesex; to bee restored to him and his heirs, which (amongst many others,) his brother Marques Berkeley had conveyed to the king, as in his life is mentioned. But the said Acts of the 5th and 7th years of the said king to stand in force for all the other manors and lands mentioned in either of them.

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Inq: 9. H. 7. post.
mortem Marchioñ
Berkeley.
Fin: in banco. 5.
H. 7. Michias
terme.

cart. 16 Febr.
19. H. 7.
cart. 2 Julii.
19 H. 7.
Pasch 19. H. 7.
in banco.
Hill rec. 19. H. 7.
rot. 22. in Scēio.

All which manors and parts of manors and lands and other profitts in the said Counties of Suffex, Surrey, and Middlesex, this lord Maurice within four months after conveyed to George Nevill lord Burgevenny and his heirs, (retaining the rest,) in which Assurances his two sons Maurice and Thomas Berkeley joyned with their father; And for performance of the Agreements bound themselves in 3000^{li} bond the peece to the said lord Burgevenny.

carta in castro de
Berkeley.
Plita coram rege
in canc: 19. H: 7.
in filas: in le petty
bag.
carta: 16: Decēiij.
6. E. 2. m: 14. in
arce London.

In May in the same 19th year of king Henry the 7th this lord Maurice exhibited another petition of right to the king, praying to bee restored to the manor of Bosham in the County of Suffex; wherein hee layeth down his title by the grant of king Edward the second in the sixth of his raigne, made to Thomas de Brotherton his brother and to the heirs of his body, drawing down the discent of that estate taile to himself as heir therunto; Shewing, That upon his brothers pertition with Thomas Howard Earle of Surrey, the said manor (amongst others) was allotted to his said Brother and his heires; And also the fine of his said brother leavied

leavied of the 1st manor in the fourth year of king Henry the seaventh, with a render to himself in taile, the remainder to the king and the heires males of his body, the remainder to his own right heirs ; And soe by avoiding the discontinuance, declareth himself to bee in right of law remitted, praying in conclution of his petition That justice and right thereupon may by the king bee done unto him ; whereto, (after his title and truth of his petition found by office pticularly in the said County the same yeare,) the king was outed and this lord restored to his said man^r of Bosham, which yet remaineth with his posterity, Anno 1628.

The like peti^{ti}on of right in the same 19th year this lord exhibited to the said king, praying therein to bee restored to the manor of ffenystanton in the County of Huntingon ; wherein hee layeth down his right under a | fyne leavyed of the said manor (amongst others) in Michmas Terme in the 19th yeare of king Edward the third by John lord Segrave, with a render to himself and to Margaret his wife and to the heirs of their bodies ; And so deduceth down the discent of the estate taile to himself, and making title as formerly is mentioned in the restitution of Bosham : And after the like course holden for finding his title in that County by Office, the hands of the king were removed, and this lord restored to his manor of ffenystanton : **Which** two restitutions being exemplyfyed togeather under one seale in October in the 22th of king Henry the seaventh, are expressed therein to bee ad requisic^oem Thome Try, &c, at the request of Thomas Try Esq^r one of the Cozens of the said lord Maurice, **Declaring** thereby the ambition of a Sollicitor to have his name kindred and diligence perpetuated to his masters posterity : A modest pride wherewith the observer observeth himself to bee in part infected, as hath already appeared in the pedegree of his wife and Children laid down in the life of Robert the first ; **And** this proceeding of this noble lord in this petition of right is to all posterity made a president in the new book of Entries, printed, 1614. unter that title of Petition de droit, from fol : 428 to fol : 434. which I wish the lord George may read ; to value aright the worth of this lord his Ancestor, and to imitate his industry for his president ; **And** the said Thomas Try shall for the perpetuating of his memory and services in these times to this noble house have this testimoniall of mine avowing, **That** since his death this family hath not been served with a wiser nor more industrious servant and sollicitor ; **Which** I wish may also incite others to like diligence and fidelity in the generations of this family which are to come.

The 17th of March in the same 19th year of king Henry the seaventh, this active lord exhibites one other like petition of right to the king, praying therein that
Justice

ex filac : canc : in
petty bag. 19. H. 7.
carta exempt.

613
finis in thesau^r.
recept : sc^acio. 19.
E. 3.

Plita in Canc :
19. H. 7.
Exempt :

liber Intrati^on :
impress. 1614.
fol. 428.

Plita in Canc.
19. H. 7. in filac :
in le petty bag :
Advocatio de Wott

614

Justice and right may bee done unto him, and to bee restored to the Advowson of the Church of Wotton in the County of Glouc.; And for his title of right thereto layeth down the fine leavyed by his Ancestor Thomas the third in the 23th year of king Edward the third of the said Advowson, (amongst other things,) with a render therein to himself for life, the remainder to Maurice his son and heire and to the heires males of his body, &c. as in his life is declared: Which estate in taile this lord deduceth down to his brother Marques Berkeley and himself, and sheweth how his brother in the third year of his highnes raigne leavyed a fine thereof with a render to himself and the heirs of his body, the remainder to his | highnes and to the heirs males of his body, the remainder to his own right heires; And how that upon the said Marques death in the seaventh of his raigne without any issue, hee the said Maurice was remitted to his old estate taile created in the 23th of king Edward the third; **Wherupon** after this lords title by Inquisition and the advice of the Judges of both benches taken and the kinges warrant to Hubart his Attorny generall hee was in June following restored to the said Advowson: Wherein appeareth this lords admirable diligence and wisdom in effecting a suite of so longe a course in two Termes only: And the more because hee then had the same title and right without any difference unto the Castle and barony of Berkeley, and to all the manors comprised in the said fine of the 23th of king Edward the third: **And** perhaps most of all, in that hee by a prudent and quick carriage of his buisness blindfolded the eyes both of the kings Attorney and other his learned Counsell, and the Judges of both Benches and Court of Chancery, from understanding either a Recovery suffered in the. 2: E. 4. thereof, and of the manors of Wotton, Simondfall, Cowley, and others, or the recoveries his brother Marques suffered in the second of king Richard the third, whereby the saide entaile was docked; Or the Acts of Parliament in the 5th and 7th years of the same king Henry, whereby the Marques assurances to him made were made good & confirmed, evidently appearing by their inrollments both in Chancery and Exchequer; **And** then immediatly also obtaining the said Act of restitution in the present Parliament, whereinto hee cast these manors of Bosham and Fenystanton and the said Advowson of Wotton, repealing the former Acts of the 5th and 7th of king Henry the 7th as hath been said. And this lord thus being seised of this Advowson of the Church of Wotton, Hee, according to certaine Covenants which the 16th of March before had been agreed upon between him and Maurice and Thomas his sons on the one part, And the Abbot and Covent of the Monastery of Tuexbury on the other part, For the assurance of this Church of Wotton to that Monastery before the 13th of July next; Now they immediatly upon this restitution assigned the same accordingly. And noe
fooner

Hill. 2. E. 4. rot.
325. in banco.
michas. 2. R. 3.
rot. 453.
Pasch. 2. R. 3. rot.
147. 154.
Canc. 5. et. 7. H. 7.
mem: scij. 9. H. 8
Trin. rec. rot. 1.
Act: 19. H. 7: in
Canc:
Wotton Advowson
carta: dat: 16.
Marcij 19. H. 7.

Trin. Term. 20.
H. 7. rot. 825. in
banco the

fooner in effect was that Monastery thus seized thereof, but they the same yeare found means to appropriate or incorporate the same to their house, As the composition about the Vicaridge shews: What time 20. marks was thought a competent living for the Vicar, to bee paid in | fruits and not in money as now it is; which at this day Anno. 1628. is more than forty pounds per ann. And this Advowson was continued in lease at the yearly rent of 33^{li} to that monastery till the dissolution in the 31th of Henry the 8th; And so rested in the Crown till that king by his L^{tes} patents dated the 11th day of December in the 38th of his raigne, gave the same, (amongst other possessions of the value of 2200^l p Ann) to Christ Church Colledge in Oxford; And is at this day by the Colledge severally demised to Bedle and Purnell, with soe poore an allowance to the Ministers both of Wotton and of Nibley, (a Chapele thereto,) that it scarcely sufficeth for the bread of those that serve at the Altars. **But** I would not have this family ignorant, That in the third year of Queen Elizabeth the lord Henry Berkeley impleaded the said Colledge for the said Rectory of Wotton Underedge, and in the year following came to an agreement, whereby the Colledge granted to the said lord Henry and his heires, the Advowson and patronage of their Vicaridge of Tetbury in the same County, upon condition that they might quietly hold the said Rectory of Wotton against him and all claiminge from him or under his title or in his name. **In** recompence whereof this lord Henry acknowledgeth That the Colledge hath good title to the said Rectory, for that the same was by his Ancestor the true Patron thereof granted to the Abbot and Covent of Teuxbury, who after by licence from the king with the confirmation of the Bishop of that Diocese incorporated the same, And that king Henry the Eighth, after the dissolution of that Monastery, sufficiently conveyed it to the Colledge, And therefore acknowledgeth himself fully satisfiied of their right, and promiseth to make them further assurance at any time within two years after; **And** how before, in time of Queen Mary, shortly after his restitution to the manor of Wotton hee presented to this Church one Knight, who had been his Tutor. who was admitted instituted and inducted, And, (notwithstanding the Colledge suite against him,) continued Incumbent there till the time of the said agreement, and then this church returned to the Colledge as an impropriation againe; In which condition it still remaineth.

In the same 19th year of king Henry the seaventh this restless lord attempts for the Advowson of the Church of Slimbridge; And according by his | deed dated the 16th of January Anno. 19th H. 7. presents Edward Bromfeild, Clarke, to Silvester Bishop of Worcester, to bee by him admitted to the Rectory of the said church

Recovery, et 525.
et p^lita. 20. H. 7.
rot. 532.

615

Irrotut in cano :

carta dat. 19.
Nov. 4. Eliz : in
castro de Berkel :

Annis. 4. & . 5.
Ph : & Mar :

Slimbridge
Advowson.

616

carta in castro de
Berkeley.

Pasch : 19. H. 7.
in Banco.

Carta in castro de
Berkeley

Trin : 20. H. 7.
rot : 350 in banco.

Carta dat. 30 maij
20 : H. 7. in castro
de Berkeley.

pricke songe.

church, then void by the death of David Liare late parson there ; which to doe the
said bishop refuseth ; whereupon this lord brings his Writt of Quare impedit against the
said bishop of Worcester, and against Richard president of Magdalen colledge in
Oxford, (who then was also bishop of Hereford,) and the schollers of the said
colledge, and Robert Thay the then incumbent of the said church : During the de-
pendancy of which Quare impedit, All the parties by their severall obligations dated
the 20th of Aprill. Anno . 20th H . 7th submit their titles to the award of Robert
Brudnell and William Grevill, serjents at lawe ; who, having heard the Counsell of
both sides, and substantially (faith the award) understood their titles, Awarded, that
the said president and schollars should hold to them and their succeffors the patronage
presentment and guift of the said Advowson : And that this lord should discontinue
his said Writt of Quare impedit, and should make to them such further assurance as
their Counsell should devise, but that before such assurance the said president and
schollars should pay to this lord Twelve Pounds ; which they did. **Whereupon** a
discontinuance was had, and a Comon Recovery was suffered of the said advowson,
and the same accordingly settled upon the colledge and their succeffors, where it still
remaineth, Anno . 1628. **On** the other part the colledge, (to use their own words,)
in acknowledgment of this lords conveyance, and of his singular devotion and ardent
affection, and of his manifold benefits which hee had shewed to them, they in re-
compence thereof, willing to requite foe great courtesies with spirituall suffrages and
prayers for his soule, and of his progenitors, doe grant that hee shall dayly and for
ever henceforth and his posterity bee made partakers of all their prayers and suf-
frages, in their collegiate church by them to bee celebrated, without fraud : And that
when hee shall die, that in convenient time after notice had, they will hold his obite,
with the placebo and dirige, and the masse of requiem, in the morrow after, solemnly
and with note ; ffor performance whereof they bind themselves to this lord and his
heirs for ever.

And though in the last forty years I have known, that Tirer, Savage, and others,
by obtaining the tres of Henry lord Berkeley to the president and fellows of this
colledge grounded upon the guift of this advowson, have been placed Demyes or
617 schollars in that corporation, and foe have con|tinued till they proceeded graduates ;
yet that this family should have right to such schollerships by any agreement in
writing I have not found, though I have heard it affirmed by one or two domestick
chaplins in the family of the lord as sometimes were members of that colledge ;
But the College draweth yearly from that Rectory Ten pounds paid by the incum-
bent for the time being, which I take to bee spent, in a gaudy day in bettering the
Colledge

Colledge commons, and therefore with them noe Symony though paid upon an Oblig[a]con taken at his presentation. **Howbeit**, notwithstanding the fair countenance cast upon the colledges old title by this award, who claimed by the grant of the said Marques Berkeley then Earle of Nottingham, the colledge relyed not so confidently thereupon, but that afterwards they procured, (as good cause they had,) severall releases and confirmations from Maurice and Thomas the two eldest sons of this lord Maurice, and from their feoffees and Recoverors, with the like confirmation also from the king himselfe, as desirous to hold fast an Advowson of neare three hundred pounds value by the year.

Other were the restitutions to divers other manors, which this lord obtained upon the defects pretended to bee in his brother Marques Berkeleis conveyances, by reason of old entailes and his own remitters, as appears in the Catalogue of the lands whereof hee dyed seised, here for brevity by me omitted.

In the Toile of the foresaid profecutions this lord finding himself, at his first coming to visit Callowdon and other his manors in those parts in the 16th of king Henry the seaventh, not so honored in his entertainment with the Abbot of the monastery of Combe in Warwickshire as hee conceived to bee his right, being one of their founders heirs; (perhaps but out of the Abbots ignorance of his descent;) exhibits his bill in Chancery, and shews that hee is one of the Cozens and heires of Thomas Mowbray late Duke of Norfolk, Earl Marshall and Warren, lord Mowbray, Segrave, Gower and Brewes, who was in his life time received in that Monastery with procession and other observances as belongeth in such a case for the founder; The right of the foundation of which monastery, (saith this lords bill,) after the decease of the said Duke descended to Thomas Howard Earle of Surrey and to him the said Maurice lord Berkeley as Cozens and heires of the said Duke; **That** is to say, To the said Earle, as son of John, son of Margaret, one of the daughters of the said duke; And to this Lord Maurice, as son of Isable one of the daughters of the said Duke; And for | prooffe layeth down That the said John father of the said Earle was slaine at Bosworth field, And was entred in the said Abby with due observances as belongeth; And the said Earle was lately received there with procession and other solemnities as belongeth of right and laudable custome used in this Relme of England, which the Abbot hath neglected towards him being thereto required; And therefore prayeth that hee may bee compelled to enter him as one of the founders, and so to bee accepted and entreated as of right to him belongeth; Which honor, upon a referance to Willelm Grevill and Thomas Marrowe arbitrators,

Bill in canc:
Vetus manuscript
in castro de Berke-
ley.

618

this carta in castro de
Berkeley

div'sæ Ire in castro
de Berkeley.

this lord obtained, and accordingly left it to his posterity, who were in their severall times received as founders, till the dissolucon of the Monastery ; as also appeareth by this Abbots attendance on the dead body of the lady Ifable this lords wife, and his censing and perfuming of her herse at Binly bridge, in her conveying to London, the place shee had appointed for her sepulture ; as after followeth.

carta in castro de
Berkeley.

The 13th of November in the 18th yeare of king Henry the seaventh, Thomas Earle of Surry granted to this lord Maurice, by the name of Maurice Berkeley lord Berkeley, and to his heires for ever, one Bucke and one Doe yearly out of his parke called Seggewicke park in Suffex, with liberty to enter and kill the same at pleasure.

Acqu[i]t in castro
de Berkeley.

What the offences were which this Maurice had committed I find not, but in the 28th yeare of king Henry the sixth hee paid the Duke of Yorke 11^{li} by agreement for Injuries and greeves by him and his two servants, Cater and Christopher, done to the said Duke, as the acquittance faith, given upon receipt of that money : **But**, being then a batchelor and in the 24th yeare of his age, and living often near to some of the Dukes parks, I conceive it was for killing some of his Deere.

His Wife.

Volunt Phil Mead
probat A^o 1475.
A^o 15. E. 4.

The wife of this lord Maurice was Ifable daughter of Phillip Mead Esq^r and of Ifable his wife ; son of Thomas, son of Thomas Mead, discended of the ancient family of the Meads of Meadsplace in ffeylant in the parish of Wraxall near Portbury in the County of Somers^t, | where antiently they had continued ; whom this lord marryed in the thirtieth year of his age, about eightene months after his fathers death, shee then a widowe and mother of three children, who all dyed very young.

619
An antient
pedegree wth W^m
Denis. Esq^r.

register Robti de
Ricartcum Maiore
de Bristoll.

At the time of this her second marriage, her father was an Alderman of Bristoll & at divers times Maior there ; And for her Dowry, besides her personall estate, shee brought to this lord her husband, (then a younger brother,) divers lands in Somersetshire, and others in Thornbury in Gloucestersh^{re} (where this lord then also had other lands both of his own purchase, and of the guift of his elder brother,) and a lease of the said Meads-place for one and twenty years : and was after one of his executors, as his will shewes.

carta. 14. E. 4. in
castro de Berkeley.

Carta. 20. Octo. 7.
E. 4. in castro de
Berk.

Carta. 9. Decem.
22: H: 7. in castro
de Berkeley.

ffor her Joynture shee had from this lord her husband all the lands in effect which hee then had ; which also hee in the later part of his life, (for the longer they lived the more they loved,) much augmented with divers other manors in the Counties of Huntington, Leicester, Warwicke, and Gloucester, and in the Counties

Counties of the Cities of Coventry and Gloucester; of all which shee made the said Thomas Try her receivour generall soone after her husbands death.

This lady Isable had one only brother called Richard Mead, who first married Elizabeth , And after maryed Anne daughter of Thomas Paunsfoot of Hasfeild in Gloucestersh^e Esq^r, a family for antiquity inferior to none in that County, (this of Berkeley excepted;) But his issue dying very younge without issue, about the third of king Henry the seaventh, this lady Isable became heire to divers manors and lands in the County of Glouc., And to divers Messuages and tenements in Bedminster, Felond, Ashton, Wraxall, and Midle Tykenham, in the County of Somersfett.

carta cum Rogero
Kemis de Wick-
wicke.

How little cause the Marques Berkeley had to complaine of the obscure parentage of the lady Isable, which he vainly called base: and of the unworthynes of his brothers match with so mean bloud, as hee reproached it, making that a motive to his own vast expences, and of the disinherittance of this lord his brother, least any of her base bloud should inherite after him, may to his further reproof bee returned upon his memory to bee but a fained and unbrotherly quarrell picked on purpose to give colour for his own exorbitances: Like vaine were his exceptions to his said brother and heire, for defending the vertue of his wife and worthines of her parentage:

vetus manuscript
in castro de
Berkel:

Shee was a virtuous lady and evermore content with better or harder fortunes; | And what goodnes and disposition shee was of in her last widowhood, after this lord her husbands death, may bee conceived out of these few rellicks of her many devotions.

620

The 29th of May . 1514 . in the 6th of king Henry the 8th, (amongst other liberalities,) shee gave to the Pryor of the fryars heremites of the order of Saint Augustine in London the sum of—72^{li} 13^s 04^d. towards the repair of their house, grown ruinous with age; for which they bound themselves & their successors in a full chapitre to say on the seaventh of November the exiquies of the aniverfaries of her and her husband, to bee sung with note by all the Covent in the quire of their church: And the morrow after, a Masse of requiem at the high Altar by all the covent, for the souls of the said lady and her husband the lord Maurice, and for the souls of James lord Berkeley and of Isable his wife, father and mother of the said lord Maurice, and of all faithfull deceased: **And** three days in every week for ever

Berkeleys masse.

ever, one priest, being a fryar in the house, to say a masse curfarily, with the speciall collect of vnus deus qui charitatis, cõñ secreto, et post com, ad id pertineñ; And also Inclina cum secreto, et post cõñ, ad id pertineñ; As in the table afterwards in this deed is specified and described, for the soules of her and her husband and the 1st lord James and Isable, at the Altar of S^t James in the said Church under the high crucifix, on Mundayes wednesdays and frydays, after the sixt masse is said; And in every masse soe said, after the gosple and before hee goe to the lavatory, the psalme of De profundis with the prayers accustomed; which Masse shall for ever in the English tongue bee called Berkeleys masse. And likewise the masse de quinque vulneribus. And further, that for an everlasting memory, this Indenture in the Vigill of S^t Michael shall for ever bee read yearly in their Chapitre house publickly. And for performance hereof the pryor and covent bind themselves in their pure consciences, as they will answer at the dreadfull day of Judgment before the supream Judge.

621

And for better security and performance of all and every thing aforefaid they further grant, That as often as any failing shall bee in any part of the premisses by the space of a month, That they will forfeit and pay—20^s—to 'the master and brethren of Burton Lazars, in that their house to bee charitably bestowed for the soules aforefaid, which master for that cause was made a party to this deed.' And, (w^{ch} was more then formerly I have found,) fryar Hugo lovericus, provinciall | of this order, doth ratify this Indenture, and binds the said pryor and covent in the bond of holy obedience, and under the punishment of rebellion, That they faithfully performe the whole contents of this deed.

carta in castro de Berkeley.

Two yeares it seemes this was in contriving, And in the end were two deeds sealed by the pryor, both which remaine in Berkeley Castle.

Comp: de Feny-
stanton. 8 H. 8.
in castro de
Berkeley.

Psalm 90.

Shce dyed at Coventry in the eighth yeare of king Henry the 8th then aged 70 years, having overlived her husband about .9 years; And with him lyeth buried in the Augustine Fryars in London, leaving issue three sons and one daughter, as next followeth. And it is some what observable, That this lady just soe long survived her husband as to make the period of both their ages alike; And then in the same place to lay down her bones by his in that 70th year that bringeth compleatnes to the daies of man; As 10. times, 7. or 7. times, 10. which Moses in the 90th Psalme of Davids bundle makes the common age of all men. And that this lord, as after follows, should over live his brother Marques twice seaven years,

years, and one feaven months; As though all their circumferences were closed in that number of feaven; The manner of whose death and funerall pompe, with the conveyance of her body from Coventry to London, take, in the fame words as Thomas Try, a speciall officer and servant to this lord, and the said ladies administrator, sent the description thereof to the lord Maurice her son, then at Calais, being the proper hand writing of the said Thomas Try, endorfed thus

This bill bee delivered to his right worshipfull and speciall good
Maister, Sir Maurice Berkeley knight.

Original in
Berkeley Castle.

Pleseth your good mastership, the ordering at thenterement of my lady your mother hereaft' folowith,

1. **First**, when I pceived she bygan to draw from this liff, I caused certen prefts to say dyv's orysons, And also to shewe hir of the passion of crist and of the merits of the same, wherunto shee gave marvelous goodly words, for aft' hir Aneyling she cam to good and pfit remembrance.

2. Iſm, aft she was departed I caused David Sawter to bee said continually untill the day of her buryeng, for as sonne as oon company had feid on other company of prefts bygan, and so she was wached with prayer continually fro wenfday untill monday.

3. Iſm, ryngyng dayly with all the bells continually; That is to say, at S: | Mighells xxxij. peles, At Trynty xxxij. peles, At S: Johns xxxij. peles At Babyl- 622 lake because hit was so nygh hyr lvij peles, And in the mother charch, the p'orye, xxx. peles, and every pele xij^d.

4. Iſm. upon sonnday whan her horfe letyr was appeled, and wax and all other things redy, she was fet forwards aft' this maner.

5. **First** xxx^{ti} women of her levery in blake gownes and kerechews upon their heds, of oon ele evy kyrchew, which was not furveled nether hemmed bycause they mought be knowen lately cut out of new cloth, and every woman beryng a tapyr of wax of a li. wyght & a half.

6. Iſm after theym fowlowed xxxij crafts with their lights to the nombr of CC. torches.

7. Iſm

7. Iſm about hir horfeleter was hir owne ferv^t and other, berynge torches of cleyne wax, to nombr of xxx. in blake gownes.

8 Iſm the orders of free's whyt and gray, with their croſſes, next after the lyghts of the crafts.

9. Iſm preſts to the nombr of oon C. and more w^{ch} went with their croſſes next before the herſſe.

10. Item aft' the horſfletyr v. gentylwomen morners.

11. Item aft' them M^r Recorder, and I, M^r Bonde, and my cozen Porter, ynſtede of thexecutors and ſup^rvyſors.

12. Item then M^r Maire, the M^r of Yeld, Aldermans, Shreffs, Chambllyns, and Wardens.

13. And ſo ſhe was cōveid to the mother church, the p^orye, wher ſhe reſted yn the quere byfore the high altar all that nyght, and had ther a ſolem derege, and the Maire and his bredren went to S^t Mighell, ther as was derege in like maⁿe; And aft' dereg^e, the Maire and his brethren went in to S^t Mary hall, wher as a drynking was made for theym; fyrſt cakys, comſetts and ale, the ſecund courſe marmelet, Snoket,¹ redd wyne and claret, and the 3rd courſe wafers and Blanch powder w^t romney and muſkadele; And I thanke God, noe plate ne ſpones was loſt yet ther was xx^d defyn ſpones.

623 14. Upon Monday ſhe ſate forward aft' maſe wth the ſaid lights and crafts, the ſeyd v. morners rydyng in ſedfadells and ther horſes traped with blake, M^r Recorder, and I, M^r Bonde, and Porter rydyng aft' theym, and then M^r Maire, Aldermen, Shrefis, Wardens, and Chambleyns rydyng in lyke order as they were; And at Bynley brygge met my lord the abbot | of Combe w^t his mitre, ſenſyng the herſe, and in his company M^r Broune M^r Bowghton and many other, ye may be ſure to the nombre of v. or vi. thofand pepull: I am of a ſuertly ther was at every ſittynge above xj^{xx} or xij^{xx} meſſez, and the bordes was di^vs times ſet, & Thomas Berkeleis preſt ſay the orderynge of all: wryten at Caloughdon the xvjth day of Ap^rle.

Yo^r ſerv^t Thomas Try.

His

¹ Query, Sonket=Sweets.

His issue.

By the faid Ifable this lord Maurice had iffue, Maurice, Thomas, James, and Anne.

1. **Maurice** the eldest fon fucceedeth his father in the Barony, advancing his houle with honor and reputation; And after dyed without lawfull iffue, as his life that followeth doe declare.

2. **Thomas** the second fon was alfo lord Berkeley after the death of his faid elder brother, whose life in due place alfo followeth.

3. **James** the third fon and youngest, maryed Sufan the daughter of M^r Veill and the widow of William Vele Esq^r, and furvived her husband: By her hee had iffue John Berkeley who dyed at mans eftate before marriage, and Mary Berkeley, firft marryed to S^r Thomas Perrot fon of S^r Owen Perrot; who had iffue S^r John Perrot, Elizabeth and Jane.

S^r John Perrot had iffue S^r Thomas, father of S^r James Perrot yet living. 1618. And of Penelope maryed to S^r William Lover¹ knight, And of Lettice firft maryed to Rowland Langharne Esq^r, and after to Walter Vaughan Esq^r, And at this day wife to S^r Arthur Chichefter lord Deputy of Ireland; and of Anne Perrot married to John Phillips of Pic^ton Esq^r yet living. 1618.

The faid Elizabeth fifter of S^r John Perrot was maryed to M^r Price Esq^r who had iffue S^r Richard Price of Gogarthan kn^t, & others yet living. 1618. |

The faid Jane the other fifter of the faid S^r John Perrot was marryed to William Phillips Esq^r, who have iffue two daughters, the one marryed to George Owen, and the other to Alban Stepneth Esq^r 624

And fecondly the faid Mary Berkeley, daughter of this James Berkely, was marryed to S^r Thomas Jones knight who had iffue S^r Henry Jones, father of S^r Thomas, father of S^r Henry Jones that now is, 1618: And Katharine marryed to M^r Vaughan, who had iffue S^r Walter Vaughan knight that now is; And Ellenor marryed to M^r Griffith Rice, who had iffue S^r Walter Rice knight that now is, and others, Anno, 1618.

And, as S^r James Perrot formerly named hath informed mee, all the cheife gentlemen of moft eminency in the three fhires of Pembroke Carmarthen and Cardigan

¹ Sir William Lower of Treventy, Co. Caerm. and St. Winnow and Trelaske, Co. Cornw. (*Hift. of Trigg Minor, Vol. III. 386.*)—[ED.]

Cardigan at this day living, are descended of this Mary Berkeley, of whose memory in those parts is made most honorable mention to this day.

Carta dat. 19. H. 7
irrot. in Canc.
Rec: in scačio. 21.
H. 7. rot. 16.

Comp: de Man-
gotsf. 13. H. 8. in
castro de Berkeley.

The said James Berkeley, for a third brother's portion, had the manor of Hilton in the County of Huntington, to him and the heires males of his body, and twenty pounds p añ, by the graunt of this lord his brother; And the Constableship and Porterhip of Berkeley Castle, and the keeping of the Castle park, and of Chefelunger and Redwood, and the gale and profit of other fishings in Seaverne with the fee of 3^{li}. from the kinge; and was to Henry the 7th vnus generosorum hostiariorum camere Regis, one of the gentlemen porters of the king's chamber, which hee enjoyed till the 6th yeare of king Henry the 8th when hee left both it and the world, and his said wife Susan to survive him, which shee did about six years; And some of his offices to his elder brother Thomas.

4. The said Anne Berkeley only daughter of this lord Maurice was in the time of king Henry the 7th married to S^r Wilm Denis of Dirham knight; who had issue between them 1 S^r Walter Denis; 2 S^r Maurice Denis, 3 William Dennis, 4 Ifable, 5 Elleanor, 6 Anne, 7 Margaret, 8 Katharine, 9 Mary, and eight others that dyed young without issue; Of these nine, as followeth,

1. The said S^r Walter Denis by Margaret his wife daughter of S^r Rich^d Weston knight, had issue four sons and two daughters, Richard, Thomas, Francis, William, Jane and Anne; of whom ffrancis is dead without issue.

625 The said Richard Denis by Anne his wife daughter of S^r John | S^r John of Bletfoe, had issue, Walter, William, Gilbert, Maurice, Anne, ffrances, Katharine, Mabill, Mary, and Margaret; of whom Gilbert Maurice and Mary are dead without issue, And Wilm is yet unmarried; Of the other six in order.

The said Walter son of Richard by Margaret his wife daughter of Richard Pigot. Paunsfoot Esq^r had issue two daughters; Katharine, first married to M^r Lewis Pigot, Copleston. of Bedfordshire, and after to M^r Copleston, of Devonshire, yet living Anno. 1618. Cokeine. And Jane married to M^r Cokeine of the said County of Bedford.

Porter. The said Anne daughter of Richard Denis was married to S^r Thomas Porter knight, of Lanthony by Glouc.; (of whom read before in the issue of James the first,) who had issue S^r Arthur Porter, Ambrose, Anne, Katharine, ffrances, and Margaret.

The

The faid S^r Arthur Porter, by Anne his wife daughter of S^r John Danvers, had issue Elizabeth lately maryed to John, son and heire of S^r James Scuddamore Scuddamore. of Homelacy in the County of Hereford.

The faid Ambrose Porter hath maryed Frances the daughter of George Chancey of Yardlebury of Hartfordshire, by whom as yet hee hath no issue, 1618.

Anne sifter of the faid S^r Arthur Porter is maryed to S^r Gabriel Pyle of Pyle. Collingborne in Wiltshire, who have issue Francis, William, Thomas and Gabriell, which ffancis hath lately maryed the daughter of S^r Francis Popham.

Katharine, another sifter of the faid S^r Arthur Porter, was maryed to S^r Richard Walfh of Shelfey in the County of Worcester, who have issue Anne, Walfh. maryed to S^r Thomas Bromley, mother of four children by him ; And Joyce, Bromley. maryed to S^r Rowland Cotton, as yet having noe issue, A^o 1618. Cotton.

ffrances, another sifter of the faid S^r Arthur Porter, was maryed to Mr. Peter Marten ; who have issue Thomas, Edward, Anne, Martha, and Lucy, Anno, 1618. Marten.

And the faid Margaret, the youngest sifter of the faid S^r Arthur Porter, was maryed to George Thorpe, of Wanefwell Esquire, by Berkeley, by whom he had Thorpe. noe issue.

The faid ffrances, another daughter of the faid Richard Denis, was maryed to John Gwitm, Esq^r who wrote that methodicall book called A Display of Gwitm. Heraldry ; And have issue Saint John, John, Margaret, ffrances, and Priscilla. |

The faid Katharine, another daughter of the faid Richard Denis was maryed 626 to Witm Chester of Almondsbury in Berkeley hundred, Esq^r who have issue Thomas Chester. Chester, who first maryed Anne, daughter of Samuell Bacchus Esq^r, by whom hee hath issue Anne ; And secondly maryed the daughter of S^r George Speake knight, And in this present year 1617, as I am writing hereof, high sheriffe of the County of Glouc.; William Chester a batchelor ; Katharine Chester maryed to Phillip Langley, of Mangotesfeild, Esq^r who have issue ; And Alice Chester married to M^r Perfival of Somersetshire.

The faid Mabill, another daughter of the faid Richard Denis, was maryed to Anthony Dowle of Duntisborne Abbot in the County of Glouc^r gent, who have Dowle. issue Edward, Walter, and others.

And

Hill. And the said Margaret, (the last of the daughters of the said Richard Denis,) was first maryed to Maurice Hill of Tockington in the County of Glouc. gent, by whom she had issue Walter Hill ; and secondly to one M^r Spencer.

The said Thomas Denis, brother of the said Richard by Jone his wife daughter of M^r Paunsfoot, had issue Thomas and Margaret ; which Thomas son of Thomas, (yet living in Glouc., Anno, 1618,) by Dorothy his wife daughter of M^r Compton, hath issue William and divers others.

Evans. And the said Margaret was maryed to W^{ill}m Evans of Glouc., an Attorney at lawe, who have issue Thomas Evans and Elizabeth.

The said William Denis another brother of the said Richard, by Anne his wife daughter of M^r Rastle, had issue William Denis only now living Anno . 1618.

Compton. The said Jane sifter to the said Richard Denis was maryed to W^{ill}m Compton of the County of Glouc., who have issue Walter Compton and others.

And the said Anne the last of the sisters of the said Richard Denis was maryed to Simon Codrington Esq^r, who is dead without issue.

2. The said S^r Maurice Denis, second son of the said Anne Berkeley and of S^r William Denis her husband, dyed without issue ; As also did W^{ill}m Denis his brother, but longe remarkable in their generations. |

627 3. The said William Denis third son of the said Anne Berkeley, and of S^r William Denis her husband, dyed also without issue.

Berkeley. 4. The said Ifable Denis, daughter of the said Anne Berkeley and S^r William Denis her husband, was maryed to S^r John Berkeley of Stoke Gifford knight, who hath issue S^r Richard Berkeley, Mary, and Elizabeth maryed to Henry Ligon, whereof I have formerly written amongst the issues of Maurice the third.
see before in the
life of Maurice the
third fol: 273. 274.
275.

The said S^r Richard Berkeley, by Elizabeth his first wife daughter of W^{ill}m Read of Mitton by Tuexbury Esq^r, had issue Henry, Elizabeth, Marye, Katharine, Anne, and Dorothy ; And by Eleanor his second wife, daughter of Robert Jermy Esq^r and widowe of Robert Rowe Esq^r, son of S^r Thomas Rowe knight, had noe issue.

The

The said Henry, son of S^r Richard Berkeley by Mirriell his wife, daughter of Thomas Throgmorton of Cawghton in the County of Warr., Esq^r had issue Richard Berkeley, Elizabeth, and Margaret.

The said Richard Berkeley by Mary his first wife daughter of Robert Rowe aforesaid hath issue, S^r Maurice Berkeley knight, John, Thomas, Giles, Richard, Robert, Elizabeth, Hellena, Myriell, Katharine, Mary, and Margaret; Of whom I have in part formerly written in the life of the lord Maurice the third. fol. 275. 276.

The said Elizabeth daughter of S^r Richard Berkeley, formerly mentioned to bee maryed to S^r Thomas Throkmorton of Tortworth, knight, have issue S^r William Throkmerton created Baronet, Margaret, Mary, and Elizabeth.

The said S^r Willelm Throkmerton by Cicely his first wife, daughter and Coheire of Thomas Bainham of Clowerwall Esq^r, hath issue Baynham Throkmerton and many others : As also hee hath by two other wives his maides, maryed since the death of the said Cicely. Throkmerton.

The said Margaret sister of S^r Willelm Throkmerton was maryed to S^r Barnaby Samborne of Somsetshire knight, who have issue. Samborne.

The said Mary, another sister of the said S^r Willelm Throkmerton, was first maryed to S^r Thomas Baskerville knight, by whom shee had issue Hannyball : And after marryed to S^r James Scuddamore knight, by whome shee hath issue S^r John Scuddamore, who by his wife onely daughter of S^r Arthur Porter hath issue, John. Baskerville. Scuddamore.

And the said Elizabeth, youngest sister of the said S^r Willelm Throkmerton, liveth the widow of S^r Thomas Dale knight, having noe issue. 1626. Dale.

The said Mary, another Daughter of the said S^r Richard Berkeley, was maryed to S^r John Hungerford of Down Amny knight, who have issue, S^r Anthony Hungerford knight, John, Bridget, Elizabeth, Barbara and others ; Of whom is a plentiful posterity with opulent possessions. Hungerford. 628

The said Katharine, another daughter of the said S^r Richard Berkeley, was first maryed to S^r Rowland Lee of Longbarrowe in Glouc^rshire Esq^r, by whom shee had issue. And secondly remarried to Thomas Babington Esq^r. Lee. Babington.

The

The faid Anne and Dorothy two other daughters of the faid S^r Richard Berkeley are dead without issue.

The faid Mary, daughter of the faid Ifable Denis and of S^r John Berkeley her husband, was maryed to Nicholas Walfh of Sodbury Esq^r who had issue Henry Walfh, slaine in fingle combat by S^r Edward Wintour, without issue, and three daughters: And after his death the faid Mary was remarried to S^r William Herbert of Swanfey.

And the faid Elizabeth, fister of the faid Mary, one other of the daughters of the faid Ifable and of Sir John Berkeley, was maryed to Henry Ligon Esq^r, who had issue S^r Arnold Ligon knight, Henry Ligon, Mary, & Elizabeth.

The faid S^r Arnold Ligon, by Jone his wife the widow of John Baker, had issue Henry, Thomas and Elizabeth.

The faid Henry, brother of Sir Arnold, is dead without issue.

The faid Mary, fister of Sir Arnold, was maryed to Samuell Clinton gent. who have issue Samuell, Richard, Elizabeth, Anne, Mary, Margery, and ffrances; whereof Elizabeth was maryed to M^r Hall; Anne marryed to M^r Longe of Ashelworth; the other three daughters not marryed, Anno 1628. The faid Samuell maryed the daughter of John Nest of Chafely in the County of Worcester, who have issue: And Richard is dead without issue.

And the faid Elizabeth the other fister of S^r Arnold, was maryed to Edward Baffet of Ewley Esq^r of whom read before in the life of Thomas the first; who had issue Wiltm Baffet, Barnaby, Edward, Giles, Elizabeth, Margery, Susan, and Jane.

The faid Wiltm marryed the daughter of Wiltm Davy, who had issue William Baffet now in ward to the king, Anno . 1618.

The faid Barnaby Baffet by Elizabeth his wife daughter of John Dorney of Ewley, hath issue Wiltm Baffet, Edward, Robert, Elizabeth, Jane, & Hester.

The faid Edward Baffet maryed the daughter of M^r Danyell of Marleborowe, by whom hee hath issue one Daughter.

The

The faid Giles is not yet maryed ; Since executd at Glouc., 1640. for murdering of Christopher Willis of Wotton.

629

The faid Elizabeth Basset was first marryed to William Clavile by whom shee had noe issue ; And after to Thomas Poyntz by whom shee hath issue Matthewe, Thomas, Joseph, John, Elizabeth, Sara and Martha, Anno . 1624. Poyntz of Uley.

The faid Margaret is married to Samuell Shellam of Woodchester, who have issue five children, Anno . 1624. Shellam.

The faid Sufan is married to Michael Dorney who have issue Thomas and Elizabeth, Anno, 1624. Dorney.

And the faid Jane is married to John Deighton of Glouc., Surgeon, who have issue John and five others, Anno, 1624. Deighton.

5. The faid Ellenor Denis, another daughter of the faid Anne Berkeley and of S^r Wilm Denis her husband, was maryed to William Ligon of Madresfeild in the county of Worcester, who had issue Richard, Thomas, Ralph, Hugh, Frances, Margery, Ellenor, Elizabeth, and the lady Gorges, of each of whom in order.

The faid Richard Ligon maryed the daughter of S^r John Ruffell, and have issue Wilm Ligon, Henry, Frances, Penelope, Elizabeth, Eleanor, and one other.

The faid Wilm by Elizabeth his wife daughter of M^r Horwell, hath issue S^r William Ligon, Richard, Thomas and Elizabeth.

The faid Henry and Frances are dead without issue.

The faid Penelope was married to M^r Wallin of Woodfeild in the County of Worcester, who have issue. Wallin.

And the faid Elizabeth Ligon is married to Doctor Miles Smyth lord Bishop of Glouc. : who hath no issue.

And the faid Eleanor, (sister of the faid Elizabeth,) was first maryed to John Washborne of Wichingford in the county of Worcester, who have issue. Washborne.

And

And the faid (younger fifter of the faid Elleanor) was married to

Ligon of Elfton.

The faid Thomas Ligon called of Elfton in the county of Glouc., fecond fon of Wittm and Elleanor his wife, maryed ffrances daughter of Hugh Denis of Pucklechurch, who have iffue Thomas Ligon, ffrancis, William, Richard, John Katharine, and Jone. |

630 The faid Thomas was Receivour to Henry Lord Berkeley, and is now farmer of Callowdon ; And by his wife daughter of Denys Pratt hath iffue.

The faid ffrancis and William are lately dead without iffue. Richard is alfo unmarried, 1630.

John was attendant on George lord Berkeley in Oxford at the finifhing of thefe collections, a partaker of his firft travells, And fince dead without iffue.

Gerrard. Katharine is married to M^r Gerrard of Stanford in the county of Som^r who have iffue fix daughters.

And the faid Jone youngeft daughter of the faid Jone was married to

The faid Ralph Ligon, third fon of the faid Wittm Ligon and Ellenor Denis, fince the beheading of Thomas Howard Duke of Norfolkke in y^e 13th of Elizabeth, hath lived beyond feas and hath noe iffue.

The faid Hugh Ligon, 4th fon of the faid William and Elleanor ; hath iffue Henry Ligon, Hugh, Ralph, William, and others.

The faid ffrancis, fifth fon of the faid Wittm Ligon and Elleanor Denis, maryed Grace daughter of John Bub of Bentham neare Glouc., who have iffue Hugh and John.

Ruffell. The faid Margery Ligon, eldeft daughter of the faid William Ligon and Elleanor Denis, was firft marryed to S^r Thomas Ruffell, by whom fhee had iffue, Thomas, who hath maryed the widowe of Frances Brace ; And fecon[d]ly, fhee was maryed to S^r Henry Berkeley of Bruton in y^e County of Somerfet, by whom fhee hath iffue S^r Maurice Berkeley and others ; of which remarkable line fee in the life of the L^d Maurice the third.

Berkeley of
Bruton. fol. 276.

The

The said Elizabeth, daughter of the said William Ligon and Ellenor Denis his wife, was maryed to Thomas Foliot of Perton in the County of Worcester, who have issue S^r John ffoliot, S^r Henry ffoliot, Witm, Elleanor, and Constance.

The said S^r John ffoliot by Elizabeth his wife daughter of Doctor John Elmer late bishop of London hath issue Elmer, Thomas, ffrancis and others.

S^r Henry and Witm are not yet maryed.

Elleanor ffoliot is maryed to S^r John Bucke. |

Bucke.

Baugh.

Constance is maryed to M^r Baugh.

631

The said Elleanor Ligon, daughter of the said Witm Ligon and Ellenor Denis, was maryed to Witm Norwood of Leckhampton in the County of Glouc., Esq^r son of Henry Norwood; of whose issue, (by falling into a neerer degree,) see after at large in the life of Thomas the fifth son of this lord Maurice.

Norwood.

fol: 682.

And the fourth daughter of the said Witm Ligon and Ellenor Denis, was married to S^r Edward Gorges of Wraxall in the County of Somerset, who have issue S^r Edward Gorges, S^r Ferdinando Gorges, and others, from whom is a plentiful posterity.

Gorges.

6. The said Anne Denis, an other daughter of the said Anne Berkely and of S^r William Denis her husband, was first married to S^r John Ragland, and after to S^r Edward Carne.

Ragland.

Carne.

By her first husband shee had issue S^r Thomas Ragland, father of Thomas and others: And Margaret married to M^r Carne: and others: Which Margaret had issue Cicely married to M^r Kemys: Barbara married to M^r Turvill: And one other married to M^r Basset; and one other married to M^r Griffiths; And one other married also to ———.

Kemys.

Turvill.

Basset.

Griffith.

And the said Anne Denis by S^r Edward Carne her second husband had issue Thomas Carne; who married the daughter and coheire of S^r Walter Hungerford, who had issue: And one other married to John Huntley Esq^r son of George, son of John (called with the great legge,) who had issue George Huntley of Frocester knight,

Huntley

Read knight, who by Ellenor his wife daughter of S^r William Wintour of Lidney had
 Foster in 1634, And 3 George dead without issue: And 4 Jane marryed to M^r Read of
 Abrahall Mytton, who had issue: And 5 Mary married to M^r Giles ffofter, between whom is
 a numerous posterity: And 6 Elizabeth marryed to M^r Abrahall: And Elleanor
 Huntley not yet married, Anno, 1634.

7. ~~The~~ faid Margaret Denis, an other daughter of the faid Anne Berkeley and
 of S^r William Denis her husband, was in the 20th of Henry the 8th marryed to S^r
 632 Nicholas Arnold son and heire of John | Arnold, to whom her uncle Thomas lord
 Arnold Berkeley, the ffifth, by his will gave two hundred marks to her marriage; who had
 Lucy Chandois, had issue Dorothy marryed to S^r Thomas Lucy, who had issue Joyce
 Cooke marryed to S^r William Cooke knight, whom Henry lord Berkeley made one of his
 Scudamore executors in trust; who had issue S^r Robert Cooke, William Cooke slaine at the
 Isle of Ree without issue, Thomas Cooke, Elizabeth married to John Scudamore
 Esq^r ffrances not married, Mary not married, Dorothy marryed to another John
 Ball Scudamore, Anne married to Peter Ball of the Middle Temple Esq^r, who have
 Maxey issue William Anno. 1629. And Mildred marryed to John Maxey Esq^r, who
 have issue William, Anno, 1629.

The faid S^r Robert Cooke, by Dorothy his wife daughter of S^r Miles ffleetwood,
 are the fruitful parents of many hopefull children, Anno, 1629.

8. ~~The~~ faid Katharine Denis, another daughter of the faid Anne Berkeley and
 Tame of S^r William Denis her husband, was marryed to S^r Edmond Tame son and heir of
 S^r Edmond of ffayreford in the County of Glouc.; And secondly to S^r
 Buckley knight; And thirdly to M^r Ligon; but had no issue by any of them.

9. ~~And~~ the faid Mary Denis, the youngest daughter of the faid Anne Berkeley
 and of S^r William Denis her husband, was a professed Nunne at Laccoke, And dyed
 at Bristoll longe after the diffolution of that monastery.

~~Thus~~ have I let in a little light in the delineation of this lords issue, branched
 from his youngest son and onely daughter, James and Anne; That this lords present
 posterity might behold as in a glasse of Gods own making, how by an immortall
 bleffing

bleffing conferred upon this good and pious lord, (who according to his own ordinance did eat his own bread in the fweat of his own browes,) his divine goodnesse hath multiplyed his posterity in a handfull of years into many thoufands, difperfed through the veins of the moft illuftrious families in moft of the countyes of this kingdom : Where to I fhall after add thoufands more of like eminency and remarkablenes, when I come to write | of the iffues of the lord Thomas this lords fecond fon, and foe fucceffively from him. 633

His feales of Armes.

I have not obferved any other feales that this lord Maurice ufed then a fmall feale manuell with the ancient coat of Berkeley only, without creft fupporters or circumfcription : And a little feale with the Lion rampant, the coat of Mowbray : The like whereof Henry lord Berkeley fometimes ufed, as followeth in his life. fol : [875]



His death and place of buriall.

September is now come, when within one month after king Henry the feaventh had entred into the 22th yeare of his raigne, Anno . 1506, This lord Maurice then in action ftrikes faile ; And from his warrs of Weftminfter hall obtaineth that port which the toile of his life, through care for his posterity, would not afford ; for his labors found no haven but the grave ; then of the age of threefcore and ten yeares and odd months, whereof hee had been lord in ftile of writings and generall reputation fince his brother the Marques death, fourteene yeares and feaven months or neer thereabouts ; And is buried in the Auguftines Fryars at London, with fome other of his Auncestors, leaving behind him the testimony, vitæ bene actæ, of a life well lead, and an example of admirable induftry to all his posterity. |

origin : in fc^acio.
22. H. 7. rot. 24.

Volunt : Mauricij
dñi Berkeley 15.
H. 8.

The lands whereof he dyed feised.

634

That no lands were left by the Marques Berkeley upon his death to difcend to this lord his brother and heire hath in both their lives been declared : **Now**, behold what this lord left to his fon and heire ; And let his posterity tell their fucceeding generations whether this their Ancestor did not foe well hufband the laft fowerteen years

years of his life as Justly hee may bee said to bee the restorer of his house and Barony ; And a perfect lawier, to gaine these goodly possessions for the most part out of broken and controverted titles ; As

claus : 22. H. 7.m.

Origin in fe^ocio

22. H. 7. rot : 24.

carta in castro de
Berkeley.

Pat. 22. H. 7. ps. 3.

The burrowe and manor of Tetbury,	}	In the County of Glouc.
The manor of Sages,		
Twenty two marks rent in Frampton,		
Divers lands in Thornbury,		
The manor of Daglingworth,		
The manor of Upton St. Leonards,	}	

The manor of Winge,	}	In the County of Buckingham.
The manor of Segrave in Penne,		

The manor of Denge,	}	In the County of Effex.
The manor of Bridgewicke,		

The manor of Hovingham,	}	In the County of Yorke.
The manor of Donington,		
The manor of Twaytes,		
The moitie of Winefthorp manor,		

The manor of Bretby,	}	In the County of Derby.
The manor of Linton,		
The manor of Coton,		
The manor of Repingdon,		
The manor of Rostlafton,		
The manor of Ashburne,		
The manor of Howys,	}	

The manor of Melton Mowbray,	}	In the County of Leicefter.
The manor of Coldoverton,		
The manor of Segrave,		
The manor of Witherly,		
The manor of Sileby,		
The manor of Mountforrell,		
The hundred of Goscote,		
The manor of Dalby Chawcombe,	}	

The Advowsons of Coldoverton,
 Segrave, Howby, Kegworth, Sutton-
 Bonington, and some others, } In the County of Leiceſter.

The manor of Thurlaſton,
 The manor of fſleckenhoe,
 The manor of Aſpely, } In the County of Warrwicke.

The manor of Callowdon, in the Counties of the Citie of Coventry
 and Warwick.

The manor of Auconbury,
 The manor of Weſton,
 The manor of fſenyſtanton,
 The manor of Hilton,
 The manor of Guyherne & Murrow, } In the County of Huntingdon.

The manor of Boſham and Buckfold,
 The manor of Thorney,
 The manor of Funtington,
 The manor and Park of Bewbuſh, } In the County of Suffex.

Fifteen houſes and fower gardens in Calais.

A Meſſuage in Churchſtreet in Berkeley purchaſed by him of
 Richard James.

The manor of Hinton, } In the Counties of Cambridge
 The manor of Kent and Kentford, } and Norffolk.

fflower pounds yearly rent out of the manor of Bromley in Surrey.

The manor of Maningford Bruſe in the County of Wilts.

ffor which manors and lands ſoe diſcending, his ſon Maurice did the 5th of May
 next after his fathers death ſue his ſpecial livery, wherein the ſame are mentioned ;
 but found no offices at all, though hee tooke out writts of Diem Clauſit extreñi.

pat : 22. H. 7. ps. 3.
 origin : in ſc^ocio 22.
 H. 7. rot. 24. exp^{te}
 remeñ. Theſau^r.
 Carta exempl : in
 dat : caſtro de Berkeley.

dat : 13th Octo : in the 22th of Henry the 7th to have inquired after his fathers death according to the courfe of the Chancery. And thefe manors and lands, thus by this lords wife induftry gleaned up and brought back into the old barne, is that faire graynary whereon his pofterity in their feveral fucceffions have ever fince foe fedd and feafted, upon the invitements of their prefent occations, by feveral fales, as fcarce a fifth part now remains unfold for the repaft of future generations, Añ :
 Purchafers. 1628. Upon which alienations alfo fuch numberles peeces of evidence have to the feveral purchafers been delivered out of their Evidence houfe, as I much miffe hundreds of them, for the further beautifying and enlarging of this hiftory. |

636

The application and ufe of his life.

The ufe. It being an inherent truth, That the love which man naturally oweth to his progenitors is felt in every mans heart as a forcible motive to draw on imitation of their vertues and goodnefs with their pofterity, I cannot but hope from the noble worth and induftry of this lord, That as his virtue ripened in his two fons, (both lords,) that next followed, neither was any wayes blafted in their fucceeders ; foe it will invite the lord George, (lyneally from them,) in his maturity of years, reading this his Ancestors life, to beare like fruite ; not only as a reall acknowledger of his eftate and dignity, renated (as it were) by this lord Maurice, But to become a true imitator of his induftry and providence for his own future pofterity : Of whom I may truly fay, hee was a king of worthyes ; And to know, that although our cheifeft hopes ought to bee fixed in the goodneffe of God, yet by puting to that account our own endeavors the remedy is made more eafy, and wee the fooner mafters of our ends, as lively wee fee in this lords example.

2. Again, from the example of the mean eftate wherein this Lord Maurice was left by his laft Ancestor the Marques, whose heire hee was, his pofterity may compound a foveraigne treacle againft worldly pride, unbrotherly contention, infla-billity of greatnes, and the like : And may alfo apprehend, That all greatnes honor wealth and the like, are but a fhadow, duft and wind : And may more truly comprehend whence men and honor come, and whither they are to goe.

3. Again, That to the laborious God is propitious ; And that neceffity makes men fkillfull Artifts who never meant to have practized : And that where honor and profit are propofed greater fpurrs cannot bee fet to a man that hath fpirit, even to perform actions and bring bufinefs about that feems beyond power, As this lords pofterity fees

fees in the life of this their industrious Ancestor ; which I wish may ever lye open before them.

4. *Againe*, when this noble family shall by way of object reflect itself to see this their Ancestor, with a milk white head in his irksome old age of 70. years, in Winter Terms and frosty seasons, with a buckrom bagg stuffed with lawe cases, in early mornings and late evenings walking with his eldest son between the fower Inns of Court and Westm^r. hall, following his law suites in his own old perfon ; not for himself, but for his posterity, to regaine part of those possessions which a vast brother had profusedly consumed ; to leave thereby whereon to live honorably like his forefathers : It cannot but stirre up an active care in his posterity to pre | serve 637 and frugally to husband those possessions thus painfully obtained ; The end, why this application and use is proposed.

5. *Againe*, this noble family may observe that this their Ancestor erred in his resolution, holding it better to prove the evill once, then always to fear it ; A cause why hee fell sodainly out with the lord Marques his elder brother, whereby hee was the sooner disinherited of his barony : whereas hee should have considered the conclusions of things, rather than their beginings : Of helps wee oft make hindrances. There are many herbs very sweet when they are gently handled, but they loose their favour when they are roughly rub'd : This with this lord fell out too true ; But semper sapere vix Iovi conceditur, the wisest are not alwayes wise ; Sometimes not to erre is beyond the power of Humanity.

6. *Againe*, let this lords posterity sweeten their meditations with the remembrance of the blessings which Heaven, from the death of this lord to the present infancy of his great-great-great-grandchild the lord George, hath showed down upon this lords generations, as a visible reward of a life well lead, according to the ordinance of the Almighty, his lawgiver and creator : ~~ffor~~ further use whereof I returne this family to what is written in the end of the title of this lord's issues, which I wish may bee of use to them in their generations to come ; And that fol: [632] the supreme hand of divine providence may uphold the honor of this lord in a blessed perpetuity, which hath done this good for his posterity.

7. *Againe*, the life of this lord tells his posterity, how much those men mistake the nature of God's divine ordinance, who neglecting the reason that God hath given them, do noe otherwise avoid the perills and crosses of this life then as if they were

were stupified in the grosse opinion of fate or destiny, neglecting either to beg counsell at Gods hands, or to exercise that wisdom or foresight wherewith God hath enriched the mind of man.

8. *Again*, This lords posterity seeth that this their Ancestor contented not himself to sit still and say That God was pleased to have it foe and foe with him, and thereon to rest ; which had been a true but an Idle answer, (for who knoweth not that Gods secret will is the cause of all things ;) But to know with all That God giveth spirit, courage and invention, when and where it pleaseth him to give an happy issue to our undertakings and desires ; Yet not so altogether to rest upon our selves, that wee will noe longer seeme to stand in need of God ; ~~for~~ the issue of humane wisdom is commonly unsuccessfull when it depends upon that provission which it self hath made : ~~And~~ let this family observe withall, That the All-powerfull God disdained not to instruct Samuell to avoid the fury of Saul by the accustomed | cautious waies of the world, when hee sent him upon that dangerous service of anoynting David for that kings successor in the Crowne : And how, though Moses well knew that hee came out of Egypt under the mighty hand of heaven, And that God guided his understanding in all his enterprises, yet hee lay not still in the ditch crying for help ; but using the understanding that God had given him, hee left nothing unperformed becoming a wise man and a valiant and skillfull conductor, as by all his actions and counsells well appeared, And found his successe accordingly ; as this lord also did, And his posterity after may, using the same meanes.

1 Saml cap: 16.

638

Exodus 13 ch. 14
chap.

9. *Again*, from this memorable Ancestor this use may bee drawn ; That as noe adversity accompanied with the least or possibility of recovering, could ever vanquish his endeavor, but would first looke over every promise, true or false, that the present time could make him, and accordingly succeeded happily in his tryalls : And knowing that wise men work out their own ends by the medium of mens affections and naturall appetites : Hee so persevered in a wise constancy, That hee ever went away master of his own ends to his great profit and honor ; Yet with such a magnanimity of spirit, that hee scorned to fawn upon or fear the greatest, as his life hath declared ; And as a man of motion foe personally bestirred himself, That to the example of his posterity hee brought all his purposes to execution : adversity never lessening his courage, nor prosperity his circumspection.

639 } blank
640 }

The Life of Maurice the Sixth

641

The life of Maurice lord Berkeley the sixth of that name, stiled in Writings, Maurice Berkeley Esq^r, And Maurice Berkeley knight, And S^r Maurice Berkeley of Yate, knight. And Maurice Berkeley knight pro corpore dni regis, for the body of the king; And Maurice lord Berkeley, And Maurice Berkeley lord Berkeley; And Maurice Berkeley knight, L^d Berkeley; And Maurice Berkeley of Berkeley, knight, lord Berkeley.

And was Ab-patruus, great-great-great-uncle, to George now lord Berkeley. And may bee called Maurice the Courtier.

Contemporary, with king Henry the 8th from the year 1506, [sic] till 1523.

The life of this lord is delivered under these eight titles, viz^t:

- 1.—His birth and education, fol : 641.
- 2.—His forreigne employments, with his law suites, fol : 644.
- 3.—His creation of Baron, fol : 654.
- 4.—His wife, fol : 658.
- 5.—His feales of Armes, fol : 660
- 6.—His death and place of buriall, fol : 660.
- 7.—The lands whereof hee dyed feized, fol : 663.
- 8.—The Application and use of his life, fol : 665.

His birth and education.

This lord Maurice was born in the seaventh year of king Edward the fourth, Anno . 1467 . and his youths education under his father, who for most part continued at Thornbury, as in his life hath been said.

In the second year of king Richard the third, Anno . 1484, then in the 17th year of his age, hee was by his fathers means marryed to a gentlewoman of his own age

carta in castro de Berkeley.

642 age and name, as after followeth ; But their nuptiall | bed not blessing them with issue, or giving hope thereof, this lord with his wives liking betook himself to travaile and to a martiall life ; In which faculty hee became a great foldier and commander, as the sequell of his life declareth.

A great part of the later ten years of the raigne of king Henry the 7th hee was his fathers lawbook bearer, extreemly toiled in the paper warrs of Westminster hall ; And in such fort for most part continued till the death of his father, two years before that king.

diversi compi
hospicij in castro
de Berkeley.

At such time as this lords father dyed, and all his life after, if this lord were in England, hee was either at Yate in Gloucestershire, or attendant on the kings person ; If abroad, yet his wife and standing house were usually resident at Yate, where also shee continued during the two years shee survived her husband ; As also did the lord Thomas his brother and heire, as followeth in his life.

carta in castro
de Berkeley.

The 22th of November, Anno . 22. H. 7. this lord granted the stewardship of Bosham with the yearly fee of Ten Pounds, to Edmond Dudley, which is the first work I find done by him ; foe wisely willing hee was to have a friend about the king.

cartæ in castro
de Berkeley.

Though upon the death of his father and for one year after, this lords usuall addition of stile was but Maurice Berkeley Esq^r, yet in the 23th and last of Henry the 7th and in the first of Henry the 8th, then fallen into their service, hopes altered his pen, And his stile was, Maurice Berkeley son and heire of Maurice Berkeley lord Berkeley deceased, and cozen and heire of Wilm^m Marques Berkeley Earle Marhall and of Nottingham, Viscount Berkeley and Lord Berkeley.

carta in castro
de Berkeley.

In the first of Henry the 8th hee was made knight, and as I think of the Bath, at that kings Coronation.

Carta dat: 30. Apr:
4. H. 8.

In the 4th of that king, hee was fworn, pro corpore regis, a knight for the body of the king ; for that year and not before I find that addition of stile.

carta in castro
de Berkeley.

And in the 7th of king Henry the 8th, hee increased his estate in the scite of the manor of Yate with the parke, by a new lease taken of Henry lord Dawbeny for fower score years from the death of the survivor of himself and his wife ; (having a
leaf

leafe for their lives before;) where, within two years after, hee began to build a faire house, the accompt of which charge in building appeareth in a book kept by George Sheppard his principall Surveyor, yet extant; fetching most of the stones from haselbury quarre, and the Timber from Kingswood forrest. |

lib : in castro de Berkeley. 9. 10. et. 11. H. 8.

In September in the 6th of Henry the 8th, this lord was by speciall appointment one of that princely traine that attended the lady Mary the kings sifter into ffrance, to bee maryed to Lewis the twelvth, shee then accompted the fairest lady of the world; And returned for England before Xmas following; And on newyears-eve dyed the said French king after hee had been marryed to the said lady . 82 . dayes.

643
Annal: of England
Stow and others
Martin. fol : 365.

In the 6th and 7th years of Henry the 8th, this lord was high Sheriffe for the County of Glouc.; And John Strange his undersheriffe, who alwaies directed his l^{res} To my most singular good M^r, S^r Morys Berkeley knight, Sheriffe of the County of Glouc.; And soe did Edward Spenser keeper of the comon gaole at Glouc.; An argument that hee was not then accepted as a peere of the Realme, As after also more fully doth appear: In which year, and after, hee procured many of the Quarter Sessions for the peace to bee holden at Tetbury, for his own ease and that markett town's advantage, himself being lord thereof.

Pañ. sub sigillo in castro de Berkl:

divers træ in castro de Berkeley.

Comp: de Bitton Manor: 9. H. 8. et at in castro de Berkeley.

During that time of his Shreevewicke, and for many years before and after, hee was a great houskeeper under a large expence at his house in Yate aforefaid; yet such nevertheleffe was his providence, as each saturday hee cast up his household books of accompts, for what was disbursed by his Steward, Clarke of the kitchen, Cator, and for his Stable; And subscribed each weeks totall Summe with his own hand, as the books themselves doe shew.

Books in Berkeley Castle.

Such also was the exact methods by him and his household officers observed, that the perticular expences of each kind of provision, in each day appeared: And when the ordinary allowance was exceeded above the comon set rate, the margent renders the reason, by such and such strangers being there, with their number of attendants and their horses. As the Duke of Buckingham in . 10 . H. 8 . and others, when as I conceive a reconciliation was laboured between them. **¶** And, the good lady this lords wife appears also in those marginall notes, taking exception to some perticular Acates that were in redundance, and to other forts that wanted; giving direction to y^r Steward for time to come what shee would have done, which for his better memory hee entred into the margent of his said household book; As, thus

Comp: Johis Jochim Señli hospic: 11. et. 12. H. 8.

Comp: de Bitton 11. H. 8. in castro de Berkeley.

thus and thus, commanded by my lady : And such was this lords liking to his seate at Yate, and his hopes of repossessing really the Castle and Barony of Berkeley with the members thereof, That hee sold himself out of the manor of Wing in the County of Buckingham, and some others in remote Counties, as after appeareth ;

644 And with the moneys thereby raifed, bought the manors of Bytton and | Hannam, Mangottsfeild, Aylmington and divers lands in Henbury in the County of Glouc., lying near to his said house at Yate ; declaring himself thereby to bee a reall Gloucestershire man as his forefathers had been, and that himself henceforth would bee a forreigner in all other Counties ; as more largely shall bee delivered in an history of those and other manors, which I have, in effect, already finished, by it self.

pat : dat : 9. Novr.
6. H. 8. in castro
de Berk :
Cartæ in castro de
Berkeley.

And scarce was this lord discharged of the office of being high Sheriffe, but hee procured from the king a generall pardon of all trespassses, forfeitures, &c, made to him, by the names of Maurice Berkeley of Yate knight, ats. Maurice Berkeley of Stoke Gifford, knight, ats Maurice Berkeley late of Tetbury knight, ats Maurice Berkeley late of Melton Mowbray knight, ats, Maurice Berkeley knight one of the Justices of peace in the County of Glouc., ats Maurice Berkeley late Sheriffe of the County of Glouc., ats Maurice Berkeley knight.

His forraigne imployments.

Carta in castro de
Berkeley.

The king purposing warrs with france, great preparations were made, and spetiall Captaines assigned, whereof this lord Maurice was one ; between whom and the king, it was by Indenture, subscribed with the proper hand of the king, dated the 30th of Aprill in the fourth of his raigne, (wherin hee is stiled one of the knights for his body,) agreed, That hee should do the king service of warr in the Army which hee now sendeth under the conduct of Thomas Gray Marques Dorset his Leivtenant generall into Gascoigne and Gwyen, for reduceing them under the kings obedience, & to have in his retinue in that service, fower hundred and eleaven able men, defensibly arrayed for the warre, himself being one of the number : And to place for his said retinue, Leivtenants and petty Captaines under him, and to make his own musters and the like, as by the Indenture appears.

Hollingh : Stow :
Marten, et div'fi
alij.

In June after, the whole Army took shipping at Southiton, and returned in December following ; The successe of which Journey I leave to the relation of the Annalls of those times, who all agree That much was not done.

In

In July following in the 5th of his raigne, the king in perfon went into ffrance with a powerfull Army, what time hee tooke Tirwine and Turney | and fome other 645 Cities, And returned into England in October following; with whom went and returned this lord, But what charge or comand hee had in that royall Army I have not found.¹

Howbeit, this lord (then in the 46th year of his age,) being required to expresse his opinion for the ordering of the Army sent into Gascoigne, I find as followeth, which I the rather here insert, Afwell becaufe the same is this lords own rough draught and proper hand writing, As for his posterity to difcerne the difference of military difcipline in these times from those of the 4th of King Henry the eighth.

Orders to bee observed for the Army.

Imprimis, to divide the Army into three parts; That is to say, the Voward, Battle, and Rereward.

Maurice Lord
Berkeley Manufcr.
in castro de
Berkeley.

Item, to appoint the cheifest Captaine of the Voward, and what Captaines and number shall goe with him.

Item, to appoint the Captaine and number of the battle.

Item, to appoint the cheife Captaine of the rereward, and what Captaines and number shall goe with him.

Item, the high Marshall for the Army.

Item, the provost Marshall.

Item

¹ Little mention is made of Maurice Lord Berkeley in the State Papers of Henry viij. He is named in a letter of Cardinal Wolsey, dated 20 Aug., 1523, to be required with Lord Sandes "for assistance to be gyven unto the Lieutenant (the Duke of Suffolk,)" Vol. I. p. 123; and in another letter from Wolsey, dated at Hampton Court, the 30th of the same month, it is mentioned that, "the Kinges Grace hathe levied a puissant armye of as tal active and elect persons, with as expert and good Capitains, as hathe passed out of this Realme at any tyme this 100 yeres; whiche armye largely furnished and pourveyed of Ordenaunces Artillarye and other abilyamentes of werre, and semblably of vitailles in sufficient quantite is commytted unto the governaunce and leding of the Kinges entierly beloved Cousin and Counsaillour the Duke of Suffolk as his Graces Lieutenaunt General of the same. In whose company be assigned diverse Lords and other discrete and experte Counsaillors and Capitains, as the Lords Mountjoy, Montague, Ferrers, Sandes, Berkeley, &c." (Vol. V. 170.) We do not however see Lord Berkeley named in the proceedings against Thèrouenne and Tournay. [ED.]

Item, the Treasorer.

Item, the master of the ordinance.

Item, three Captaines of the pyoneers, whereof one to bee with the voward, Another with the battle, And the third with the rereward.

Item, a principall Captaine for the Scowtes.

Item, feaven Captaines to have the rule of the watch nightly, whereof one to watch. And to have the rule of the stale¹ in the market; And the foute to send word to the Captaine of the stale from time to time if the case foe require, And hee to advertize the Lieutenant; And the said Captaine to send certaine of the stale to view the watch of the Ringe fower times of the night.

Item, before two of the clock in the morning the watch and fcout to bee releived with others.

646 Item, the Marshall to goe daily before, and to take and appoint the place where the Campe shall lye; And every lord and Captaine to send a furrier | to receive the ground and place for their masters lodgings.

Item, to appoint one man with three officers under him to have the oversight of the carts and carriages, and to see them conveyed out of the campe, from the tents unto the outside of the feild; And foe to march in that order as they shall bee appointed, not suffering any carriage to goe ten fcore before the voward, nor ten fcore behind the rereward; And also at their coming to the Campe, having discharged their carriages and fetched their forege, to place them for the fortifying of the campe as they shall bee appointed by the Marshall.

Item, one principall man to have the rule and charge of all kind of victualls, and to see the distribution thereof, And also to receive money for the fame; And hee to have a convenient number under him for the better order and execution of that charge; and to bee Clarke of the Market.

Item, the campe to bee fet every day at a convenient houre.

Item, the voward to remaine in order of battle untill all the carriages of the fame bee come where they shall bee appointed, and the tents almost fet up, And then they of the voward to goe to their lodgings.

Item,

¹ stall.

Item, the battle to remaine in order till the coming of the rereward, and then to goe to their lodgings.

Item, the rereward to remaine in order of battle till all the carriages bee come into the campe, and then they to go to their lodgings.

Item, every day a Captaine with a convenient number to bee appointed to goe for the forrage; And that noe man to goe out of the forrage untill the faid Captaine be ready and in order for their defence.

Item, the faid Captaine to fend out good fgyryors (sic) before his going forth.

Item, that noe man goe to the forrage but such as their Captaines will appoint; And they to goe noe further nor tarry longer then the captaine of the foriage shall appoint them.

Item, every morning when the trumpets shall give warning, every man to take down their Tents and lade their carts; And the captaine of the voward to bee ready in order of battle before the going forth of any of the carts.

Item, the battle to do the like.

Item, the like order for the rereward.

Item, the voward and rereward to have good fgyriors out in every fide. |

Item, that no man after the campe set goe forth of the campe without licence 647 of the Lievtenant, the Scouts only excepted.

Item, to appoint to the voward a Captaine of Horfmen.

Item, the like for the battle.

Item, the like for the rereward. ~~Thus~~ this lords writing.

Whilst this voyage was in preparation and this lord bent towards the Journey, Hee for his better provision borrowed one thousand pound of John Heron Sergeant at lawe; And for the fetling of his estate and repayment of the faid money in case hee should dye in that warre, by his Deed tripartite dated the 26th of March in the third

cartæ cum Edrō
Deringe milite et
baronet. dat. 26.
m'cij. 3. H. 8.
Subscrib: Morys
Berkeley.

third year of Henry the 8th, by the name of Maurice Berkeley knight, enfeoffed S^r William Read knight, Richard Brook Sergeant at law, and others, of his manors of Bosham ffuntington and Thorney in the County of Suffex; **And** of his manor of Winge in the County of Bucks, And of his manors of Bretby, Rostlaston, Cotton and Linton in the County of Derby, And of the manor of Wetherly in the County of Liester, And of the manor of Denge in the County of Essex, and of his manors of Auconbury and Weston in the County of Huntington; To the use of himself and his heires and to performe his last will.

Duæ cartæ cum
p̄d̄cō Edrō
Deringe mil[i]te
et barronetto.

And by another Deed of the same date, It was between all the said parties and the said John Heron agreed, And this Maurice did accordingly covenant, That the said ffeoffees should stand seized, To the use of the said John Heron and his heires untill hee were paid one thousand pounds wth his charges in levying the same, which somme hee hath borrowed of him, And after to the use of himself and his heires, and to performe his last will.

Pasch: 4. &. 5.
H. 8. rot. 333. in
banco:

In Easter term in the 4th and 5th of king Henry the 8th then upon his said voyage into Gascoigne as hath been said, hee suffered co^mon Recoveries of all or most of his lands, thereby to cut off all old entayles, and to draw a fee simple to himself, the better thereby to dispose of his estate in settling of his affairs by his last will; Having also the year before made divers feoffments of the same manors the better to perfect the said Recoveries: **All** which hee declared to bee, To the use of himself and his heires, and to the intent to perform his will; which, first in the third year, and after in the fifth year of Henry the 8th hee did at large; **And** declareth that the manors of Melton Mowbray, Coldoverton, Sileby, Mountforrell, Segrave, Thurlaston, ffelekenhoe, Tetbury, Daglingworth, and Sages, should bee To the use of Katharine his wife for life in lieu of Joynture and Dower; And the manors of Bosham, ffunt | ington, Thorney, Winge, Segrave in Penne, Brethby, Cotton, Rostlaston, Lynton, Repington, Witherly, Auconbury, and Weston, should bee to the use of John Heron untill hee were paid the said thousand pound borrowed of him, according to Indentures thereof made in the third of king Henry the eighth as before is touched; And then his feoffees to grant these Annuities to these persons following for their severall lives, viz^t To James Berkeley Esq^r his brother, Twenty pounds p Anⁿ. To Thomas Try his Sollicitor Ten pounds p Anⁿ. To Margaret Shippard. 3^{li} 6^s 8^d To Raph Butler. 4^{li} To Thomas Berkeley 4^{li} (of whom were the Berkeleys of Berkeley Town,) To Richard Berkeley 4^{li} (of whom are the Berkeleys of Worcester and Herefordshires,) To Peter Swift. 6^{li} 13^s 4^d To George Shippard 4^{li} To

Volunt^z Sub
Sigillo. 5. H. 8.
in castro de Berk:

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Funtington

Office. 29. H. 8.
post mort. Thomæ
Dñi Berkeley, vith
vide in vita Jacobi
Dni. Berkeley,

4^{li} To James Ilsen. [sic] 6^{li} 13^s 4^d: And soe to twelve others for their severall lives out of the manors last mentioned; And after for payment of his debts; And after to his right heires; wherewith his providence, (least his will should bee suppressed,) was such that, with the privity of his said solicitor, hee left three severall wills, (one and the same,) all ingrossed in parchment under his hand and seale at Armes in three severall freinds keepings; All which came after together, and are now in Berkeley Castle.

And afterwards in the 12th of king Henry the 8th, hee added a Codicell to the former will, and thereby gave five hundred marks to the said Mary Berkeley his brother James daughter, so that in her marriage shee bee ruled by his executors and by the Pryor of Bath and by the Master of the Gawnts at Bristoll; And appointed also a great portion of money towards the building of the body of the Church and Monastery of S^t Augustines, And in making of a Chapple of our blessed lady within the same Church, wherein, (saith the will,) I intend by Gods grace my body after my decease shall lye. And for the reedifying and building of the church and chancell and stalls of the ffryars minors in Glouc., whereof (saith his will) I am founder, And where dame Isable Berkeley my grandame lyeth buried; which work (saith the said will) I have now began, and in case I dye, Then my executors substantially to finish the same: **And** this Lord further declared by his said will, That if any person should put out or molest his said Cozen Thomas Try out of the manor of Callowdon, which hee hath for Terme of his life by the joynt demise of him and his mother in the 5th of Henry the 8th, or shall avoyd any lease, grant by Copy, or annuity by him made or to bee made, Then his executors to sell his manor of Bretby from him and his heirs, And with the money arising, to satisfy his said Cozen Try, and every of his lessees and Grantees which shall happen to bee expelled. | **And** by an addition the same

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year to this will and Codicill, hee giveth his lease of Yate of 80 yeares after his wives death to his nephew Thomas, (after lord Berkeley,) son of his brother Thomas; And to his said wife the one half of all his plate and goods both at Yate and elsewhere, And the other half to the said Thomas his nephew. **And** now at Calais, the 11th of Sept^r 1523, in the fifteenth of king Henry the eighth, by a further codicill annexed to the former will, appointeth his body to bee buried in Trinity Chapple in S^t Nicholas Church in Calais; And that his two chaplains Handly and Askwith should celebrate and pray twenty years for his soule, The first ten years in Trinity chapple, and the other ten years in S^t Augustines monastery in Bristoll, And to have ten pounds a peece yearly wages out of his man^r of Bosham. And gave further seven other annuities, (besides those afore mentioned,) to seven servants during their lives. **And** further increased his wives joynture with the manor of Tetbury for her life.

Volunt. 12. H. 8.
in castro de Berkel:

See fol: [540]

Volunt. Mauric.
15 H. 8. in
castro de Berkeley.

After

carta cum Edr̃o
Deering milite et
Barronett[o].

After whose death his executors, S^r John ffitz-James cheife baron of the Exchequer and others, (per nōia executor̃ tēf̃ti dñi Mauricij Berkeley militis dñi Berkeley,) having disbursed great charges about his funerall, had their discharge from Thomas Wolfey then Cardinall and Legate, And from William Archbishop of Canterbury and Legate also, by deed under both their seales dated the 12th of February. 1523. Anno 15th of Henry the 8th

pat : dat : 25.
Oftob. 24. H. 7.
in caſtro de
Berkeley.
mich : rec : 24.
H. 7. rot. 1. in
ſc̃ſcio cum reñ
Thesaur̃.

Henry the 7th in the 24th of his raigne granted to this lord for his life the rangerſhip and cuſtody of the forreſts of Kingswood and ffillwood, and the ſtewardſhip of the manor and hundred of Portbury ; Upon ſurrender of which tres patent, (ſound inſufficient,) hee had a new grant the 20th of July in the 3th of King Henry the 8th with the fee of ſeaven pence halſpeny by the day for Kingswood and ffillwood, and Ten pound fee for Portbury.

Carta dat. 6. Nov.
1. H. 8. in caſtro
de Berkeley.

In the firſt yeare of king Henry the eighth, S^r Adrian Fortiſcue knight made this S^r Maurice ſteward of his manors of Bradſton and Stinchcomb and of all other his manors and lands in the County of Glouc., for his life, for the fee of twenty ſhillings.

carta in caſtro
de Berkeley.

The ſame year S^r Thomas Knevet and Mirriell his wife made this lord Steward of their manors of Paynſwick, Moreton, and Whaddon, in the Coñ of Glouc., for the life of the ſaid Mirryell, with the fee of 53^s 4^d **O**f which Mirryell fee before in the life of Thomas lord Berkeley the fourth.

carta in caſtro
de Berkeley.
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And in the 4th of king Henry the 8th S^r Charles Brandon made this lord ſteward of his manors of Paynſwick, Whaddon, Moreton Valence, and | Rengworth, in the county of Glouc., and maſter of his game of Deer, with a few buck and few Doe and 53^s 4^d fee, for his life.

Carta. 27. m'cij.
1515.
in caſtro de
Berkel

In the 6th of king Henry the 8th Adrian, Cardinall and biſhop of Bath and Wells, granted to this lord the keeperſhip of Pucklechurch parke, (not two miles from Yate,) for the terme of his life.

Carta in caſtro
de Berkeley.

In the 12th of king Henry the eighth, S^r Arthur Plantagenet made this lord ſteward of his manor of Panewick and of all other his manors and lordſhips in the County of Glouc, and maſter of his game of Deere there, with the fee of 3^{li} 6^s 8^d for his life : And doubtles this lord Maurice was a very able man, And, beſides his military knowledge, better ſkilled in the laws and ſtatutes of the realme than any
of

of his Ancestors, his father excepted, whose follicitor hee was, as in his life hath been said.

In the 7th of king Henry the 8th this lord bought of the king the wardship of the body and lands of John sonne and heire of Richard Berkeley of Stoke Gifford ; for which hee paid five hundred marks ; And by his will five years after, directed, that at sixteen years of age hee should marry Ifable Denys his sisters daughter ; And if shee dyed or refused, Then to marry Ellenor Denys her sister, And so to Margaret another sister : But the marriage held with the said Ifable, as in the lives of the lord Maurice the third and of the lord Maurice the fifth is formerly written, propagateing an eminent posterity of many thoufands at this day 1627.

pat: dat. 24. Maij
7. H. 8. in castro
de Berkeley.

Volunt : 12. H. 8
in castro de
Berkel :

fol : [315]

In the 14th of king Henry the 8th this lord Maurice bought of the king the wardship and mariage of Thomas son and heir of S^r Owen Perrot, whom by his will hee directed to marry his brother James Berkeleys daugh^r, which after his death tooke an happy effect, shee proving as matchlesse a lady as lived in her days ; from whom an army of eminent gentlemen and a fair race of great nobillity at this day living, (1627,) are discended, as in the life of the lord Maurice the fifth this lords father hath appeared.

Carta in castro de
Berkeley.

By the award of S^r Edmond Tame, S^r John ffitz James chiefe baron, and Robert Bowringe, the 24th of ffebruary in the 5th of Henry the 8th That great controversy which had many years been tumbled with variable successe, between this lord and his father And S^r Robert Poyntz, was ended ; whereby this lord had to him and his heires the manor of Daglingworth, And the moitie of the moitie of the manor of Brokenburrow, extending into the Townships of Tockington, Almondesbury and others, sometime y^e lands of John Knull son of Rys ap Evan ; And the said S^r Robert had to him and his heirs the manor of litle Marshfeild, and the other moitie of the moitie of Brokenburrow : And they to present to the chantry of Al | mondsbury called Brokenburrows Chantry by alternate turnes : And that Ifable mother of this lord, and John Berkeley son of Thomas this lords uncle, should severally release, viz^t Ifable, all her right in Brokenburrow, and Jn^o Berkeley all his right in litle Marshfeild, to S^r Robert Poyntz. And this also finished that tryall at lawe which had passed against this lord, And the writt of Error which hee had brought for the reverfall of the judgment given upon that verdict.

Carta in papi^r
in castro de Berk ..

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In banco. A^o 5.
H. 8.

In the tenth of king Henry the 8th began this lord Maurice to allow 6^{li} 13^s 4^d p anⁿ, ex eleemofyna sua, out of his almes and bounty, towards the repaire of the church of the Gray ffryars in Glouc. ; which liberallity hee continued many years,

Comp : manerij
de Vpton S^r
Leonards cum
Arn : Ligon milte
Voluntas Mauricij
12. H. 8.

yea

yea after his death, till the same was finished ; Of which place this family were
fol : 648. founders ; as before is touched in this lords life.

rec. in scđio cum
reñi the fauř 9. H. 8.
rot. 55.

In the ninth year of king Henry the 8th what time this lord held himself half assured of a restitution, the king, (by this lords own meanes noe doubt,) awarded his comission to this lord and others, to find out what wafts and spoiles of Deere wood and timber were committed upon his lands called Berkeleys lands, within his hundred of Berkeley : Of the carefull execution whereof and returne, small question needs bee made.

carto in castro de
Berkeley.

The 7th of July in the year 1516, in the 8th year of king Henry the 8th This lord Maurice and eleaven others of the like ranke joined in a devout petition to the popes holines, And obtained graces of having power to chuse each of them a preist to bee their confessor, And hee to bee by this grace enabled to absolve them and give them absolution ab omnibus suis peccatis, criminibus, excessibus et delictis, quibuscunque, de quibus corde contriti et ore confessi fuerint, from all their sins, crimes, excesses, and offences, whereof they should bee contrite in heart and confessed with their mouthes ; with many other graces, one whereof was, to enter into any nunnery, et cum monialibus conversari dūmodo ibm non pernoctent, And to converse with the Nunns there, so that they stay not with them all night &c : And some other of the graces were de cōmūtatione votorum et relaxiaçone juramentorum, of changing their vowes and release of oaths ; And de plenaria remissione et absoluçone peccatorum, semel in vita et in mortis articulo, of plenary remission and pardon of their sins once in life and in the instant of death ; And de ingrediendo monasterio monialium, to have recourse to the Monasteries of Nunns as before ; And divers others, All which they obtained from his holiness as they had petitioned : **Upon** the power and efficacy of which Indulgence, past question this lord greatly relied.

Liber ordinis
garterij, manuscr̃

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Whereas in the scruteny for Election of new knights of the honorable order of the garter, to supply any one deceased, each knight of that order nameth three princes, three of the baronage, and three knights, whereout the king | as soveraigne of the order chooseth as best him pleaseth ;¹ This Maurice was in the sixth year of king

¹ At the foot of the Manuscript is the following note to this passage, in a different hand-writing :—
“ 1723. I dont know how it might bee in those days, but now it is only for forms sake they are named but never any choose but whom the Sovereign appoints but is an easy mistake for so did this Prince of Wales when L^d Halifax carried him the Garter from Queen Anne and shewed him all the form of chusing he started and said : ‘ How came I to have it, you have the most votes ? ’ ”—[ED.]

king Henry the eig[h]th named for one by Thomas Howard the Duke of Norfolk, and by Charles Brandon duke of Suffolk, by the Earle of Worcester, and by S^r Thomas Lovell, but missed the election.

In the 8th year hee was againe in the scruteny named by the said Duke of Suffolk, S^r Thomas Lovell, and S^r Henry Marney, after Lord Marney. 8. H. 8.

In the 10th year hee was againe in the scruteny named by Thomas Gray Marques Dorfet, S^r Thomas Lovell, and the lord Poynings. 10. H. 8.

In the 14th year hee was againe in the scruteny named by the Earles of Devon and Worcester, and S^r Thomas Lovell. 14. H. 8.

In the 15th year, (about five months before hee dyed,) this lord was againe in the scruteny named by the Duke of Suffolk, the Earles of Devon and Effex, S^r Thomas Lovell, and S^r Richard Wingsfeild, but allwayes missed the Election ; All which five times hee was named a knight and not a baron.¹

In the 7th of king Henry the 8th the king made him Leivtenant of the Castle of Calais, and Captaine over 50 men at Armes, whereof one was to bee Constable of the said Castle ; which was of great profit unto him in regard to the fees and allowances belonging to those offices : And what great services hee often did against the French whilst hee was lievtenant the marginall will informe his posterity. Volunt : 15. H. 8. pred : Mauricij. Pat : 7. H. 8. in castro de Berkeley. Marten. fol : 396.

And many tres remaine in Berkeley Castle directed to the right reverend and worshipfull S^r Maurice Berkeley knight and Leivtenant of the Castle of Calais : Amongst others, one from Thomas Norton master of Burton S^r Lazar, wherein after hee had acknowledged that their Mills neere Melton Mowbray were given to that monastery by his noble progenitors fower hundred years agoe and more, hee tells him his officers at Melton are by his direction, as they say, about to fet up Mills at Melton, to their great prejudice in their succoñ, which none of his progenitors lords nor ladies have ever attempted : **A**nd further, that our holy fathers, popes of Rome, have confirmed all such guifts, with many dangerous words and sentence to them that either hurt, harme, lessen, or minish any possessions of their said house ; Trusting, that it is not his mind to bee any of these, whereon it seemes, that that project was laid aside for a time. **W**hich tre also shewes, that at this time this lords wife was with him at Calais. | Toll.

Shamp

¹ In the same hand-writing as the last is this note in the margin :—"James Earl of Berkeley was the first of this family that was a Knight of the Garter 1617 [1717 ?] and Vice Admirall of England, first L^d of the Bedchamber to King George y^e first, Commissioner of the Admiralty &c."—[ED.]

653 Many were the petitions of right which this lord Exhibited at severall times to king Henry the 8th, to have restitution according to right and the laws of England of the Castle and Manor of Berkeley, and of the manors of Hame, Appleridge, Alkington, Hinton, Came, Hurst, Wotton, Simondfall, Cowley and Simbridge, in the County of Glouc.; and of Weston besides baldock in the County of Hartford; and of Portbury in the County of Somerset; And of Kington in the County of Warwick; (which were all that remained in the kings hands of the Marques Berkeleys entayles made to his father king Henry the seaventh;) And divers kinds of propositions at severall times were made by him to the king, the better to sweeten his suites and draw on expedition; wherein at last hee foe farre prevailed that hee had the kings hand to bee restored to them: **I**n one whereof hee used these words, That this lord William his unkle conveyed those manors to his maj^{ties} father without any money receiving, but onely from an high and pompous mind to bee exalted to the degree of a Marques, and to bee created Marques Berkeley. Howbeit death prevented this lords desires, causing all that labor to bee lost, which was never after profecuted by any of his heires, till the hand of heaven returned these manors and lands to the lord Henry the first, upon the death of king Edward the sixth, As after followeth in his life.

then at Yate neere
Thornbury.

Between Edward Stafford duke of Buckingham, (who by divers writers is noted to bee a man of an high spirit, and very ambitious, and a daily plotter of Treason against king Henry the eighth, for which at last hee lost his head in the 13th of that king,) and this lord Maurice was much bitternefs, which continued till neare the Dukes death; some ill relishes of whose imposthumed malice are not yet washed out of divers papers in Berkeley Castle; As the Dukes calling this lords wife, false chorle and wiche; And him, false unnaturall Maurice: And that the least that is towards him, should fet right nought by him at his own doors where hee dwelleth; And that hee shall be faine to feed piggs, as hee did afore when hee dwelled at Portbury, the which is more meet for him then any other worship both for his reason and his person, or for any goodnefs or vertue that is in him, fave false covetousnefs and false desire of that hee hath noe right to. **A**nd on the other side, this lord Maurice caused one of his servants to tell the duke, that those words belonged to the duke and to his Earldome, and that hee sent them back againe to stop mustard pots with; And that hee loved him not, nor none of his, nor never would; **O**f which hatred between these two neighbors the country towns in those parts had foe open
654 notice, That the Duke coming in his | way towards London to lodge the first night at Tetbury, ten miles from his house at Thornbury, the Bailly and burgesfes, (hoping

(hoping belike to please thereby this lord Maurice their landlord,) kept him from their Town, not suffering him to lodge in any of their Inns or houses: whereof this lord Maurice was forthwith advertized, then at Calais, by the tre of one of his preists.

Lives in Berkeley castle.

And it is more then probable, that this lord had a finger in removing the Dukes head from his shoulders, within two years after these unfavoury vents.

In the 14th of king Henry the 8th this lord is celebrated in the Annalls of those times to bee one of those cheife and valerous Captaines, worthy of all praise, who under the Earle of Surrey, generall of the Army, did so great service against the french king, in sacking of his Towns and Castles, with the gaine of an incredible booty; And other martiall employm^{ts} of this lord, aswell at home against Perkin Warbeke in the time of Henry the 7th,¹ as against the Scots and french in the time of Henry the 8th, each second year at least till hee dyed; Witnes his valour and worth in Martiall affaires.

Marten : fol : 396.

Marten. fol : 348.

His creation of Baron.

This is the place promised in the lives of the lord Robert the first and of the lord James the first, and of the lord Maurice the fifth this lords father, to speake further and more largely of the Barony of Berkeley, and of this lords new calling by writt to the estate, stile, and dignity of a Baron or peere of the Realme, And really to bee lord Berkeley; and of the place of precedence which the lords Berkeleys now have or ought to have in Parliament amongst their peeres, then in the lives of those three lords I have done: The nominall title of lord Berkeley aswell this lord Maurice himself, as his father before him, had frequently used in their stiles, in most of their own Deeds and Indentures; And soe also used many great persons, as the Duke of Norfolk and others in writing to them to call them; And such also was the usuall speech of servants in their families at home and abroad: **Howbeit**, neither was this lord Maurice, nor the lord Maurice his father, re verâ and really, a peere of the realme, nor a Baron of Parliament, nor called to | any parliament since the death of Willm Marques Berkeley in the 7th year of king Henry the 7th till the end of this 14th year of king Henry the 8th. So that for those 31 yeares this barony of Berkeley, (as the phraze of comon law is,) was in Abciance, suspence, or consideration of law; for it may not bee said, That the Marques Berkeley by the grant of the Castle and manor of Berkeley, which is but

folio 39.

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¹ Sir Maurice Berkeley is mentioned by Hall as one of those who followed the King to Taunton on this occasion. Chron. p. 485. [Ed.]

but a matter in fact, did transferr his title of honor to king Henry the 7th and foe the king to bee lord Berkeley ; Neither, in truth, in all the Marques his grants to that king is any fuch word as Barony, dignity, title, stile, or honor, found, but only words fitting for transferring the corporeall substance of the castle of Berkeley and of the hundred and manors and services thereto belonging. And therefore in regard of fuch the kings poffeffion in the Castle and manor of Berkeley, the name, honor, stile, and dignity of L^d Berkeley, was fufpended in the Crown ; And now upon this calling of the faid Maurice by writt, hee became puisne or youngeft baron of all others, loofinge, by acceptance thereof, his Ancestors ancient place of precedence in parliament, as himfelf, upon receipt of his Writt, brought him to Calais by George Scheppard his kinfman, and fervant, judiciously conceived : Upon whose returne back into England, three of his deareft and moft intimate wife friends, in their reply, thus wrote unto him.

To the lord Berkeley, lieutenant of the Castle of Calais.

Letter in y^e castle
of Berkeley.

In our right hearty manner, wee recomend us to your good L^dshipp : So it is, wee perceive by your fervant George Scheppard, That yee would bee content to know our advice in taking of this honor, which the kings grace by his writt hath lately called you too ; S^r, wee all will advife you to take the honor ; and howbeit that as yet yee have not the roome in the parliament chamber that the lord Berkeleys have had of old time, yet wee will advife you to take this roome appointed to you at this time, and to make noe labor of the higher roome at this time, for caufes to longe to write : And yet divers lords your frends here would have had you labor for the lord Berkeleys roome, howbeit peradventure yee fhall have more convenient time hereafter then now ; And for your farther fpede in this matter, wee have caufed your name to bee enterid into the parliament roll, with your writt, and have defired the lord Mountgoie to appier there for you, and to give his voice for you in like manner as in time paffide hath bene ufied one lord to doe in the abfence of another ; So that you | ftand now by matter of record in the full eftate and degree of a Baron, wherein wee pray God to fend you good continuance, with as much honor as ever had Baron before you.

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An^o: 15. H. 8.
1523.

At London the 6th of May 1523.

Your own affured

John ffitz James.
Richard Weyfton.
William Denys.

1. Of

1. **Of** whom S^r John ffitz James was lord cheife baron of the Exchequer, and then one of his feoffees, trusted with his estate, and the principall executor in his will.

2. **Sir** Richard Weyfton, was of the kings privy Chamber, a discreet valiant and temperate man, as Marten and others call him. Marten chron.
fol: 391.

3. **And** William Denys had maryed his only sifter, Anne Berkeley, of the kings privy chamber alfoe; Who all knew That the king at this time had signed with his hand his petition of Right, for his restitution to the barony Castle and manor of Berkeley, and of the other manors formerly named, the true essentialls thereof; And therefore, (if noe other cause were,) their advice was good, that this lord should not bee too earnest at first for the shadowe but to stay a while for the substance, till a more convenient time should invest him in the actuall possession of his said castle and lands, either by that kings restitution, or by the kings death without issue male, then having none, nor likely by his wife to have any; and then the place of precedence would follow of course and by lawe. fol: [653]

Yet for all this would not this lord take this Stile and Calling upon him, unles withall hee had his Ancestors place in parliament, as another tre written to him by his said kinsman and servant George Schipward the 13th of the said May doth intimate; wherein he tells him, That the lord Cheife Baron and Master Denys have knowledge that yee use not your name within your house according, wherein they think, that if you should soe doe ye doe not well: And also their advice is, that yee shall provide a sadd gentlewoman in the court, to wayte upon my lady, to attend upon her according: meaning according to her new honor of Baronesse; Whereupon this lord at last accepted of the Honor conferred by the said writt, And contented himself with the kings pleasure of being the youngest Baron in place at that Parliament. **And** at this time, many tres congratulating this his new | honor, were written to him, (as also many others were, upon buisines,) which from henceforth were directed, To the right honorable and my espetiall good lord, my lord Berkeley, Lieutenant of Calais; which words of right honorable, neither hee nor his father had received before. **And** amongst others, Thomas Burghull preist, in his tre from London dated the 5th of that May, writes, (inter alia) to him, That where the kings grace hath create you lord Berkeley, this is a good preparative for the hope that his grace will hereafter endue you with the very lordship of Berkeley, your inheritance, which I pray God I may see. Lres in Berkeley
Castle.

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And

And thus, (for ought I have perceived to the contrary,) stood the place of this lord Maurice in his precedency, but from the end of this 14th yeare of king Henry the 8th. And soe also of Thomas his brother and heire, and of Thomas his son and heire, and soe also of Henry his posthumus son and heire, till the 19th of his age, when by the death of king Edward the sixth without issue male the Ancient dignity barony honor castle and manor of Berkeley reverted to the said lord Henry, both as right heire to the lord William Marques Berkeley, the conuzor in the fyne often before mentioned, And also by discent of the ancient dignity from the first creation of the lord Robert the first, in the first year of the raigne of king Henry the second, Anno Dom. 1154. which by the former acts or conveyances made to the heirs males of king Henry the seaventh's body, could not bee extinguished; As that profound learned Judge S^r Edward Coke hath in the case of the lord De la Ware, (formerly mentioned,) delivered: ~~Neither~~ could the acceptance of the dignity by this lord Maurice, or the continuance thereof by the two next lords, Thomas and Thomas, bee any barre hindrance or estoppell to the lord Henry, when through want of issue male of the body of king Henry the seaventh, hee entred upon his ancestors honour, and dignity in the first yeare of Queen Mary: whereto also hee is the better remitted by reason of his minority and his then wardship to the Crown, as in his life will more fully appear. **Whereupon** I conclude, That the lord George, grandchild and heir of the said lord Henry, notwithstanding any thing to the contrary, hath and of right ought to have, place of precedence and anteriority from the said first year of king Henry the second, Anno. 1154. and consequently before the lords De la Ware, or any other now in the state of a Baron in England, for ought I have found to the contrary: neither needs any paynes to bee taken to looke after restitutions in blood, for none of his Ancestors have at any time been attainted.

And besides, this lord, howbeit hee had his proxei, as by the former L^{re} |
 658 appeareth, yet never came personally to that parliament, but still kept at Calais, where hee dyed in September followinge, as after appeareth.

His wife.

carta in castro de
 Berkeley.

This lord Maurice married Katharine the daughter of S^r Willm Berkeley of Stoke Gifford, knight, in the second year of king Richard the third, then in the 17th year of his own age, and shee not much under, with the good liking of their parents, as hath been partly before touched; As also that shee brought in portion as her dowry Forty marks in hand, and seaven hundred marks more payable by five marks every quarter, for security whereof the said S^r Willm made a lease of his manor of Kingston

Kingston Seamor in the County of Somersset, for 35 years, and also gave his obligation of one thousand marks; Howbeit, neither party fully performing their covenants, the same was afterwards by another indenture between this lords father and Richard Berkeley son and heire of the said S^r Wittm, dated the 17th November in the 17th of Henry the 7th, reconciled and performed without fuite, each remitting to other their mutuall breaches.

Obli: dat: 28. Jan.
2. R. 3. in castro
de Berkeley
carta in castro de
Berkeley.

The Joynture of this lady at the time of her marriage was agreed only to bee one hundred marks by the year, and noe more, in regard of her husbands apparant possibillity to the Barony of Berkeley: his unkle viscount Berkeley and Earle of Nottingham then being without issue, whereby the hope of each parents side, (all parties then standing upon brotherly terms,) seemed assured of possessing one day his said unkles estate; whereof not only the Covenants of this lord Maurice of estatting the said Katharine in one hundred markes Joynture out of his said brothers manors of Cam Slimbridge and others, which were to discend upon him after his said unkles death, but also the stile w^{ch} this lord therein gave himself of being brother and heire of the said Earle of Nottingham, doe sufficiently declare.

cartæ: dat 28. Jan:
2. R. 3. in castro
de Berkeley.

But when her husbands father and himself had raised their estates, her Joynture successefully by them was increafed also, infomuch as now upon her husbands death, shee had left unto her for her life in leiu of Joynture and dower as hath been said, the Manors of Melton Mowbray, Sileby, Coldoverton, Mountforrell, and Segrave, in the County of Leicest^r; | The manors of Thurlaston and ffelekenhoe in the County of Warrwick; The manors of Tetbury, Daglingworth, Sages, and Yate, in the County of Glouc.; And the one half of all her husbands personall estate whatsoever; which intimates to posterity, her vertue and their affections.

3. cartæ in castro
de Berkeley.
Volunt. dñi Mauriç
in castro de Berke-
ley.
Inq: p^r mori Mau^r
16. H. 8. in div's
Com
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Origini in sc^acio.
16. H. 8. rot.

In the later two years of her husbands life, this lady Katharine being but lately returned from her husband, then at Calais, came twice from Yate to Berkeley, not 8 miles afunder, what time her brother in lawe S^r Thomas Berkeley had the keeping of the Worthy Parke under king Henry the 8th; In the one of which Journeys of pleasure, shee was attended with 36 Horfes, and in the other with forty of her own servants.

Comp: hospicij
14. et. 15. H. 8.

Pat: 6. H. 8. in
castro de Berkeley.

And when shee and the said S^r Thomas, (then lord,) a fewe months after her husbands death, parted into two parts such household furniture, (according to her husbands will,) as then was at Yate, the said Thomas brought from thence in the behalf

Cartæ dat 1 Dec.
15. H. 8. in castro
de Berkeley.

Carta indent. in
castro de Berkl :

behalf of his son and heire, as part of his half, a trussing bed and tester of cloth of gold, divers peeces of Arras imbroidered with gold, divers cushions of gold, embroidered wth ramping lyons of silver, a shaving bason of silver weighing three-score ounces : Candlesticks with their prickets and snuffers of silver of thirty ounces, two great flagons of silver, two potts of silver parcell gilt, a silver chafing dish, two great salts of silver with covers double gilt two gobletts of silver with covers parcell gilt, a great goblett of silver double gilt with a hind upon the cover, and three flatt bowles with covers pcell gilt, &c ; leaving the like for her, as by the note indented between them appears ; which argueth the furniture to bee the more honorable, and shee a lady of the more state, for that the West Indies had not at this time shewed her barrs and Ingots of silver and gold upon Europe.

Acq : 26. Apr :
25. H. 8.

And this Thomas the son not longe after received from the executors of his father, one chaine of gold with a crosse, containing—324 . links and a hook of gold, a gown of russet velvet furred with Martens, one rich coat of tinsel, one plagard¹ and forestocks of cloth of gold rayfed, and a roll of parchment of his fathers pedegree, which I mention for the cause aforefaid.

It was not her good hap to have any issue by this lord her husband, but his hap to have a base son by another woman, whilst hee lived at Calais, whom hee called Humphry Berkeley, but by what woman I could never find, neither would this lord ever mention it, Which Humphry dyed in youth without issue.

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Comp : hospic :
temp : H. 8. in
castro de Berkeley.

And further such was this lords discretion, that hee would never in his life- |
time suffer his base son to see England ; And such this ladies wisdom and love to
her husband, as shee never tooke exception to that dalliance, but lived with great
respect and observance towards him ; And noe lady more carefull in government
over her husbands family, nor more for his profit, then this good lady to the last of
her husbands dayes.

This Joynture thus lovingly from time to time increased by this lord her husband, this lady enjoyed not full three years after her husbands death, before by her death shee left it to the said lord Thomas her husbands brother and heire, and her soule to him that gave it, and her body to bee buried at Yate, shee then of the age of fifty seven years, whereof marryed to her husband forty years and upwards, by whome for any thing I have observed, shee never conceived with child.

His

¹ Query? "Placket," a woman's pocket. See Halliwell.

His Seales of Armes.

This lords usuall seale was the Armes of Berkeley and Brotherton in one brode eschucheon of two inches and an half diameter, borne cornerwise ; The crest was the helmet with a half lyon on the top thereof ; The supporters were, two lyons rampant, supporting the helmet, circumscribed sigillum Mauricij Berkeley militis.

And for his privy seale, this lord used a little Lyon rampant, the old paternall coate of the Mowbrayes : Behold the figures.



His death and place of buriall.

That this lord purposed his body should have been buried in S^t Augustines Monastery by Bristoll amongst the clusters of his honorable Ancestors, (where for that purpose hee had built a Chapple,) his three wills made in 3th 5th and 12th of Henry the 8th before | touched doe declare ; But God disposed that hee should dye in Calais, beyond seas, and bee buried in Trinity Chapple within the parish Church of S^t Nicholas there, with such devotions for the repose of his soule as formerly is declared out of the Codicill annexed to his last will made the day before hee dyed ; And having perfect memory during a lingring sickness, it cannot otherwise bee conceived but that his confessor, (who seemes by the popes grace formerly mentioned to have been purposedly provided against that day of death,) then gave him a plenary remission of all his sins, espetially having that fair advantage of time, to bee Corde contritus et ore confessus, repentant in heart and his sins acknowledged with his own mouth ; But I may not presumptuously looke into this secret cabinet ; But doubtles this lord so much relyed upon the efficacy of this papal grace, That the

Volunt. 3. 5. 12.
15. H. 8 in cur:
prerog: et in castro
de Berkeley.

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fol: [648]

fol: [649]

prints

prints of his Almsdeeds and other works of piety are found to be fewer then of most of his Ancestors.

The lord Sands, (stiled in his will his entirely beloved freind,) was present at his death, to whom hee bequeathed ffive hundred marks to purchase lands to the use of the said Humphry Berkeley his bastard son and his heires, to whose rule and custody hee comitted him : **And** this is the first and last base child in all the generations of this ancient family of the Berkeleys, or of their branches, which I have observed in the space of five hundred and fifty years ; whose posterity ended in himself ; Bastard slipps seldome take deepe rootes.

Inq : in com.
Hunting : Warr :
Leic^r Glouc^r
Suffex : 16. H. 8.
in Canc :

This lord dyed the 12th of September, the feast day of the exaltation of the holy crosse, Anno . 1523 . in the fifteenth year of king Henry the 8th the Autumnall equinoctiall day ; A day wherein all creatures of the Earth beheld the sun, and hee the suns creator ; then of the age of fifty five years or neare thereabouts, whereof hee had been lord in stile and reputation from the death of his father almost feaventeen years ; but re vera, really, since his calling to the state of Baron by the writt of Henry the 8th, not halfe one yeare ; **Then** whom amongst his generations none more wise and prudent, a foldier, Courtier, and great house keeper ; neither any man more loving to his brothers and sisters and their children, which in life and death hee cherished and provided for, as a naturall father.

Inq : in Com.
Hunt : 16. H. 8.
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And for his servants, besides the Anuities before mentioned and many other by mee omitted, and besides those that time hath hidden from my finding, let this Instance of bounty to Thomas Try his follicitor, in his perticuler, speake for many ; who out of ffenystanton in the County of Huntington | had an Anuity of Twenty marks p ann for his life.

Inq : p^rdict :

Also a lease of certaine pasture grounds called Sart feild and the hermitage, in Auconbury in the same county, for 31 years at nyne pounds rent, worth at this day —200^{li} p Ann.

Inq : in com
Warr : 16. H. 8.

Also a lease of the manor of Aspele in Warrickshire for one and forty years, at Ten pound rent, of a great value.

Volunt : 15. H. 8.

Also a lease of the manor of Callowdon in the Countyes of the City of Coventry and Warrick for his life, at 33^{li} 8^s 4^d rent, worth—360^{li} at this day.

Also

Also other annuities out of other manors, of ten pound ; and—6^{li} 13^s 4^d for being his generall Sup^rvivor and governour of all his lands in England and Calais, And steward of many of his manors. And some others.

4. cartæ in castro de Berkeley et comp. Rec : 22. H. 7. i^{bm}. et al.

All which, like a provident man, (not knowing whether a new king after this lords death might arise that knew not Joseph,) hee fortified by finding them in the offices after the death of this lord Maurice, which himself solicited: And surely hee was a wife diligent and trusty servant, neare forty years, to fower difcents in this family ; whose reciprocally bounties rayfed his estate and reputation to bee of principall authority and in Commission of the peace in the Countie of the Citie of Coventry, and a steward of great power in that Corporation ; And a wife Commissioner in many imployments for neere ten years before his death, which happened in the 36th yeare of king Henry the 8th. Of whose excellent Counsells given by a pen of spirit to this lords brother and heire, I shall after write in his life : And shall also after that in the days of his grandchild, againe bring him to the Test, whether hee continued of perfect mettall and faithfull to his end to this family or not ; till when I adjourne his further tryall, truth being the foule of this my history : |

Acts. 7. v : 18.
Exodus : 1. v. 8.

The lands whercof hee dyed seized.

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Were it not that I will constantly pursue my former method unto the end of these relations, I would have here omitted this title, having formerly mentioned almost all this lords lands perticularly out of his Will and other conveyances, before mentioned ; But take them as in a table here together.

The manor of Tetbury,
The manor of Sages,
The manor of Daglingworth,
Twenty-two marks rent in fframpton,
Divers messuages and lands in Thornbury,
The 4th part of the manor of Brokenburrow
with the Advowson of the Chantry there,
Divers lands in Tockington, Hempton, Almond-
bury, and Winterbourne,
The manor of Bitton and Hannam, purchased by him of Robert Dormer,
The manor of Mangottesfield purchased by him of Rob^t Dormer,

In the County of Glouc^r

The

The manor of Aylmington, purchafed by }
 him of Wilm Huffy, } In the County of Glouc.

The manor of Upton S^t Leonards in the County of the City of Glouc.

The manor of Hovingham in the County of Yorke.

The manor of Bretby,
 The manor of Linton,
 The manor of Coton,
 The manor of Repington,
 The manor of Roflifton, } In the County of Derby.

The manor of Melton Mowbray,
 The manor of Coldoverton,
 The manor Segrave,
 The manor of Witherly,
 The manor of Sileby,
 The manor of Mountforrell,
 The manor of Dalby Chawcomb,
 The hundred of Gofcote,
 The advowfons of Coldvton, Segrave,
 Howly Kegworth, and Sutton Bonnyng-
 ton, | } In the County of Leicefter.

664 The Advowfons of the Abbathies of Crox-
 ton, Combe, and Burton Lazars, } In the County of Leicefter.

The manor of Thurlafton,
 The manor of ffelekenhoe,
 The manor of Afpele, } In the County of Warrwicke.

The manor of Callowdon, in the Counties of the Citie of Coventry and
 Warrwicke.

The manor of Auconbury,
 The manor of Wefton,
 The manor of ffenystanton,
 The manor of Hilton,
 The manor of Guiherne and Murrowe, } In the County of Huntingdon.

The manor of Maningford Brufe in the county of Wilts.

The manor of Hinton,	} In the counties of Cambridge and Norfolk.
The manor of Kenet and Kentford,	

The manors of Bosham and Buckfold,	} In the County of Suffex.
The manor of Thorney,	
The manor of ffuntington,	
The manor and Parke of Bewbush,	

ffifteen houses and tofts and 4 gardens in Calais.

A Meffuage in Berkeley.

fflower pounds rent out of Bromly in Surrey.

All which, (then of the value of—1207^{li}. 7^s. 6^d in old rent,) difcended upon the lord Thomas his brother and heire, then ffifty years old and upwards, as by severall Inquifiçõs the next year after his death returned into the Chancery appeareth ; wherein moft of the Recoveries, Fynes, feoffments, and other affurances formerly mentioned, are found.

ffor which the faid lord Thomas fued his speciall Livery the fame Yeare, notwithstanding the not finding of any Office, or not probate of his age.

The refidue, not found in this lift but mentioned in the life of his father to have difcended upon him, as Winge, Bedford, &c. were either eftated upon this lords brothers, or by him fold or exchanged, as hath before in part appeared. |

Comp : Rec : 13.
14. H. 8. in castr
de Berk :
Pasch : fines. 18.
H. 8. rot. 5. in
fc^açio.
pa : 17. H. 8. cum
re^m regis in fc^açio.
Hill : 16. H. 8.
rot. 29. in fc^açio
cum re^m thesau^r.
Pat. 10. ffebr. 16.
H. 8. ps. 1. in
Canc.
Trin. rec. in fc^açio
23. H. 8. rot. 19.
Claus : 7. H. 8. in
cancell.

The application and use of his Life.

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1. **The** imitable practice of this lord invites his posterity not to deferre the fetting of their estates till old age or sicknes ; And also to leave behind them a testimony of care and conscience, That neither kinfmen nor serv^{ts}, rewarded for their well deservings, be molested ; **And** to consider, as this lord did, That a new king may arise that knew not Joseph. **And** also to provide, as this prudent lord did, That his tenants bee not disquieted in those estates which they have bought and paid for, leaft the cry of violence or oppression, (however dawbed with the colour
of

Exod : 1. v. 8.
Acts : 7. v. 18.

of the lawes,) drawe from heaven the displeasure of that God, that will reward each one according to their most secret workings and intentions.

2. *Againe*, this lord, to all elder brothers in the generations of this family that have noe children of their own bodies, becomes a president, That brothers and collaterall kindred should bee to them instead of children, and as dearly cherished ; wherein this noble lord equalled the best in his generations.

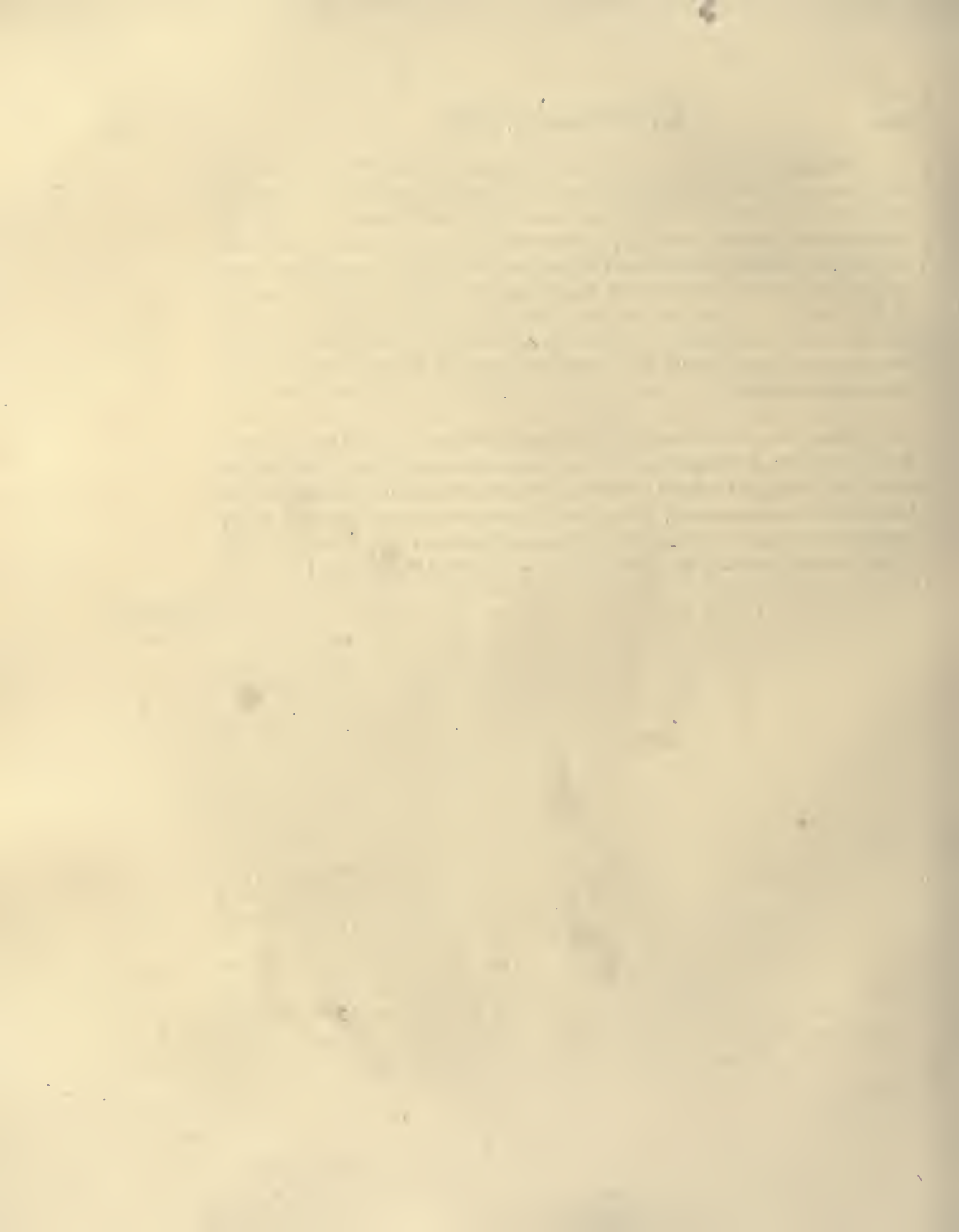
3. *Againe*, it was not foe truly said of Ulisses, That having been ten years absent the smoke of his own country Ithaca was sweeter to him then the fire of any other, As it may of this lord Maurice ; ffor, though all his fairest possessions did lye in other Counties, where also hee had better seats and sweeter aire ; Yet, out of an inbred affection and memory of the place where his father and all his forefathers were born, bred, flourished, and buryed, hee allways aimed his endeavors to become a Gloucestershire man, and to bee a stranger in all other counties ; As his purchases of Yate, Bitton, Mangottsfeild, Elmyngton, and other lands do manifest ; And his father and himself having now been thrice ten yeares out of the possession of Berkeley, hee never ceased to sollicite the king for a restitution, at what rate so ever, As being out of the proper spheare where his ancient honor dwelled ; but dying in the pursuite thereof, though thrice ten yeares more expired before that Castle with her members reverted, as in the life of the lord Henry will bee delivered, Yet his posterity still held themselves till that time fast unto their County, where they lived with ample honor and command, as by the lives that follow will appeare. *And* it will bee manifest to him that duely considers of these relations, that the lives of such of this family as have estranged themselves from this County have lesse prospered
 666 in their estates ; And how the same may bee verified hereafter, let the life of the lord George and his posterity become further wittneses. *My* application hereupon is, That sith few or none can in these days bee of remarkable honor and estimation in many counties at once, or where noe former memoriall or footsteps have been of their forefathers, That this Berkeleian family should ever professe themselves natives of this County, as the proper Orbe of their ancientest possessions, and wherein the greater half of the gentry are their kinsmen and allies ; *But* espetially not to spend their days in London, or in the Court, which none of their forefathers have done save the Marques Berkeley who thereby wasted all ; And to make a lord Berkeley any other then a Gloucestershire man is to turne him from his ancient honor estimation and Inheritance : *If* any others otherwise conceive, I hold them Ignorant of the ways and antiquity of this ancient family. *Liberavi animam meam.*

4. *Againe*,

4. **Againe**, the awe and reverence borne towards this lord, especially with the Clergy, hath in nothing more clearly shined, then that fewe or none of the Abbots Pryors or other heads of those religious monasteries whereof hee was founder by discent from his ancestors, made any leafes to their farmors or tenants but that hee was made acquainted therewith and a party to the fame, and therein mentioned, That such leafes were made by his assent, being their patron ; whereof I have in the first ten years of king henry the 8th seen many. A speciall observation of his greatnes and of the respect hee carryed with these monasticall governors ; By whom hee was allwaies received into their houses by processions censing and other rights belonging to a founder.

5. **And** Lastly, noe observation can bee more honest and usefull to this family then the president of this prudent lords care and course taken for the true payment of his debts owing at his death ; Wherein to the honor and due memoriall of him And of this family in twenty generations, I have not observed, (heaven is my witnes,) that any man or woman have justly complained and gone away unsatisfied, or had cause to say of any of them, Thy duft is my debtor for a penny. |

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668 } blank



The Life of Thomas the Fifth

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The life of Thomas Lord Berkeley the fifth of that name, stiled in Writings after his brothers death, Sir Thomas Berkeley knight lord Berkeley, And Thomas Berkeley knight lord Berkeley Mowbray and Segrave.

And was proavus, or as our Ancestors the Saxons called, fortha-fader; And wee at this day great-great-grandfather, or the grandfathers grandfather to George now lord Berkeley.

And may bee called Thomas the Sheepmaster.

Contemporary with Henry the 8th from 1523. till 1532.

The Life of this lord, I deliver under these eleaven titles, viz^t.

- | | | |
|---|---|-----|
| 1.—His birth and manner of education, fol : | } | 669 |
| 2.—His imployment in warre and peace. fol : | | |
| 3.—His Almes and devotions ; fol : | | |
| 4.—His sale of lands, fol : | | |
| 5.—His Husbandries, fol : | | |
| 6.—His wives, fol : 676. | | |
| 7.—His issue, fol : 677. | | |
| 8.—His seales of Armes, fol : 686. | | |
| 9.—His death and place of buriall, fol : 687. | | |
| 10.—His lands whereof hee dyed seized, fol : 691. | | |
| 11.—The application and use of his life, fol : 692. | | |

His Birth and Education.

The Inquisiçõs found after the death of this lords elder brother declare his birth to bee about the 12th year of king Edward the fourth, Anno . 1472 . what time and for many years after, his father lived | at Thornbury, where during his pupillage this lords education was, in that populous market town : And as affaires then stood with his parents, his instruction and practice more bowed towards

Inq. 16. H. 8. in.
div's : Com. post
mort : Maur. de
Berkley.
670

towards a country life, befitting a younger brothers younger son, then for the Court or greatnes, as the sequell of his life declared : And to render this lord that honorable mention which hee deserves, Hee, for the most part of his elder brothers life, both before hee went to dwell at Hovingham in York shire and after his thence returne to the keeping of Berkeley Castle, was a perfect Cotswold sheppard, living a kind of graziers life, having his flocks of Sheep sommering in one place and wintering in other places, as hee observed the feilds and pastures to bee found, and could bargain best cheape. **And** the better to bee his own Auditor, hee kept a book of his own hand writing, of all his receipts and payments gaines and losses touching those flocks : during which time hee sold his wooll usually for . 12^s 8^d the todd : **And** this kind of husbandry in these his daies of a younger brother became to him foe habituate, That when hee was a baron and a great hous keeper at Yate after the death of his sister in lawe his elder brothers wife, hee observed the like order of Accompts keeping with his own hand for all his receipts, household Expences, and buildings : knowing what happines that housholder brings to himself and family, that with the morning faith to himselfe, as the page was appointed to say to the king of Persia, Arise Sir, and take order for your affaires :

Liber in castro de
Berkeley.
Comp. 11. 12. H.
8. in castro de
Berkeley.

Comp: 18. 19. 29.
H. 8. in castro de
Berkeley.

And as a further fruite of this lords prudence and frugallity, hee upon the death of his elder brother, sojourned with his wife children and family with his brother in lawe Jn^r Arnold at Hynam by Glouc., the sooner to recover his estate, furnish his houses, and get before hand ; at what time a great part of his land was in Joynture to his brothers widowe, and in feoffees hands for payment of his brothers debts and performance of his Will : A considerable president for posterity, which his son and grandchild immitated, as in their lives appeares.

In the twentieth year of king Henry the seaventh, then in the 31th year of his age, hee married Alienor the widow of John Ingleby Esq., what time and shortly after, his father and elder brother conveyed to him the man^{rs} of Hovingham in Yorkshire, Sages, and Upton S^r Leonards, and their lands in Thornbury, and in some other places in Gloucestershire, and the manor of Hinton in Cambridgeshire.

cartæ in castro de
Berkeley.
671

But the next year after his fathers death, hee for eight hundred marks sold away the manor of Hinton to Robert ffewrother a Goldsmith of London and covenants it to bee—32^{li} p^rañ old rent : **A** fatall fortune that hath befallen this noble family for the six last generations to enter upon their inheritance with a sale of part thereof, as after more fully will appear.

About

About a year after that hee and his wife were fetled in Hovingham, (shee then either great with child or newly delivered of her son Thomas) they went in a kind of Pilgrimage to visit divers religious houses ; And amongst others those at Yorke, where in recompence of their great bounty bestowed on the Covent of the ffryars mynors, fryar William the guardian thereof bestowed on them celestially prayers and blessings, and by his deed granted unto them perpetuall participation of all their masses, prayers, fastings, asperities, watchings, preachings, and of all other good things there done under his government, aswell in life as after their deaths; Adding also of his speciall grace, (the words of the Deed,) That when notice of their deaths shall bee given to their Chapter, the same recommendations shall bee made to God for them that is done for their own brethren newly departed the world.

Carta : 1508. 23.
H. 7. in castro de Berkel :
Comp. hospic : in cast : de Berkeley.

In the 18th of king Henry the 8th the warden of the fryars Mynors in Glouc. and his covent, did by their deed covenant with the lord Thomas and in their consciences bind themselves thenceforth, to say during the life of the said lord, for the soules of his father and mother, and for the soule of his brother Maurice late lord, and of Katharine late wife of the said brother, and for the soules of himselfe and of Alienor and Cicely his wives, and for all christian soules, these divine services ; viz! Every munday placebo and derige with nine lessons, And every tuesday one masse of requiem, And every thursday placebo and derige with nine lessons, And every fryday a masse of the five wounds, with the collect deus qui iustificas impium ; for which this lord doth covenant to pay to them fower pounds by the yeare, The one half for the warden, and the other halfe for the pitances of the Covent to amend their fare.

Carta : 22. Marcij
18. H. 8. in castro de Berkeley.

On the back of which deed one with a hand of somewhat a later time hath written these words; If the Clergy could sell and make perfect sale of the remission of sins with assurance of the life to come, for money, they should shortly have more coyne then the king ; And 4^{li} was too little for all these prayers ; but casuall ware is sold good cheap ; God pardon us all, Thus the dorfe of the deed.

In the first year of the raigne of King Henry y^e 8th, this lord had from the king a generall pardon, not procured to purge himself from offences comitted | against the lawes, but out of providence taken up at the kings Coronation.

pat. dat. 1. feb. 1.
H. 8. in castro de Berkeley.

672

Hee was a Captaine over a bond of men, and a speciall commander at the great battle called flodden feild, where was present 100,000 Scots, foughten the nynth of September

Annales Anglie in
div'fis scriptis
Marten fol. 361.
362.

September Anno . 1513 . in the 5th of Henry the 8th if histories may bee beleived ; whereat **James** the fourth king of Scots was slayne ; whilst his brother in law the king of England, (with whom at the same time this Thomas his Elder brother the lord Maurice was in person, at the taking of Tyrwin and Tourney, and at the battle there fought with the ffrench;) And for his good service here at this battle of flodden this lord Thomas received the honor of knighthood in the feild, by the hands of Thomas Howard Earle of Surrey his Cozen germane in the second remove, shortly after created duke of Norfolk.

Pat : 15 Maij. 6.
H. 8. in castr̃ de
Berk :

King Henry the 8th in the sixth of his raigne gave this lord Thomas the Constableship and Portership of Berkeley Castle, and the keeping of the said Castle park called the Worthy, and of the palership thereof ; And the keeping of the red and fallow deer in Chifelhunger and Redwood, and the fishings of Smethmore and of the gale in Seaverne, as amply as James Berkeley his brother now lately dead had held the same, with the yearly ffee of three pound duringe his life.

Comp : Manerij de
Alkington. 9. et. 10
H. 8. in castro de
Berkeley.

Carta . sub privato
figillo. 10. febr. 13:
H. 8. in castro de
Berkeley.

And in the 13th of his raigne the king caused this lord Thomas to enlarge the said castle park called the Worthy by taking into it the grounds called Hamstalls and Coltenleys ats Culverheys, the Twichen (where the fcite of the old manor houle of Alkington stood,) and Manmead, with a peece of the Oakleys called the Ragge ; And to repaire the pales of the residue, for that complaint by petition (saith the king) had been made to him of the great damage his deere did in the corne and graffe of his tenants ; **for** this family is to conceive That till this time that parke was not greater then the ground called the Worthy extending to Hurdpoole, scarce three-score acres : **And** forthwith after upon a second petition removed all those red deere which were in Redwood Chefelhunger and Branwood into that park, and into his park of Estwood which hee had the year before by the attainer of the Duke of Buckingham.

pat: 14. H. 8. in
castro de Berkeley.

673

In the 14th of king Henry the 8th this Thomas was high Sherife of the County of Glouc.; and kept his house at Mangotsfeild which not longe before hee had much repaired, and where his standing family for most part had continued since his returne from Hovingham in Yorkshire ; | And now dies the lord Maurice his elder brother at Calais, before this Thomas was (as I conceive) discharged of his Shreevewick of Gloucester.

Privat. Sigill: 16.
H. 8. in castr̃ de
Berkeley.

Henry the 8th in the 16th of his raigne having proclaimed open warrs against Francis the ffrench king, whom hee called infestissimum inimicum suum, his most
deadly

deadly enemy, and wanting money to make good the warre, fendeth to this lord Thomas a Comission and withall private instructions how to handle his subjects in this County of Glouc., and to work them to the kings ends: which being matter of State, and not within the lifts of this history, I leave, with this, That this lord laboured more then this his country then thanked him for.

In the 17th of king Henry the eighth, It was articed between Thomas Duke of Norfolke (whose father dyed the year before) on the one part, and this lord Thomas on the other part, **That** Thomas this lords son and heire, or if hee dyed before his age of nineteen years, then Maurice his brother before his age of fifteen years, should marry Katharine daughter of the said duke, whose marriage portion should bee one thousand pounds, whereof 200^{li} at the sealing, and 200^{li} each year after at Martlemas, till the thousand pound was p^d; **And** if by death or otherwise the mariage held not, then this lord Thomas to repay what hee had received by fifty pounds a yeare; And that this lord Thomas should make the said Katharine a Joynture of five hundred marks, And allow fifty pounds a year for their maintenance, And this lord to leave his said son one thousand pound a year land after his death; **For** performance whereof this lord Thomas gave a Recognizance of one thousand pounds; Howbeit this marriage held not, as after doth appeare.

carta in papiro in
castro de Berkeley.

fol: [702.]

It may bee written of this lord Thomas, that hee did not more really inherit his elder brothers honor and lands then his affection and desire of being a meer Gloucestershire man, and of being imbowelled into the foile of that County; accounted by them the proper and genuine Climate of their Ancestors, And in which meridian the sun had happily shined by a sweet influence upon sixteen of their generations: And according to this his affection, having many fair possessions in other Counties, which hee accounted as forreigne, hee entertained fundry communications with divers gentlemen of other shires having lands in this County of Glouc., of exchanging such his lands with them as lay in the counties where they dwelt, and more commodiously for them; **And** therein amongst others proceeded for farre with one S^r Richard Sacheve|rell, that this lord and hee, (then being together in London,) articed under their hands and seales of Armes for an exchange of all this lords manors and lands in the Counties of Leiceſter and War^r. where S^r Richard dwelt, in lieu of S^r Richards lands in the County of Glouc.; But by whose only means the same brake of, let the tres of Thomas Try often before mentioned then dwelling at Callowdon, (very averſe thereunto,) written to this lord then at Yate and Mangotfeild in the County of Glouc., in the said 17th year of king Henry the 8th, tell this family

674.

Div's Lres bundled
together in
Berkeley Castle.

10 Augusti.
bragged.

knight's fees.

family in M^r. Trys own words; viz^t, **That** S^r. Richard had said to him with great and high slanderous words and crackes, That hee would have this lords lands in those counties whether hee would or not: Telling this lord further by his L^{tes}; That S^r. Richard upon S^t. Lawrence day sent a great company to keepe the faire at Melton Mowbray, jesting there, that hee had caught his Lordship within such a compasse, that he could not start from him, and soe had enflamed in all the Country; **And** that S^r. Richard had discharged all his L^ds ships officers in those manors, Which (saith M^r. Try) greiveth mee full fore That S^r. Richard should soe craftily delude you from sixteen lordships and feignories, warranted to your Lo^{ps} Ancestors by the kings noble progenitors under the great seale, with many other commodities: **As** unto the lordship of Segrave dependeth eight Advowsons, which are great, 40^{li}, fifty marks, 40 marks, 20^{li}, &c, besides your goodly foundations, that I know noe man (saith M^r. Try) thereabouts have none such, if you regard them well, as at my coming to you I shall make declaration: **And** as touching your knighten fees, yee have . 300 . longing to yo^r honor, besides your other Lordships: **And** as for two of your said knighten fees, I trust to get you an hundred marks and better towards your charges, as I shall shew to your Lo^p at my coming which shall bee shortly.

deceiveableness.
annulling.

675

This tre is indeed
a very hasty
scribled tre and
blotted.

Mr. Try having by this and other like tres gained upon this lord as to pause upon this exchange, and to promise that hee would send his Counsell to him to Callowdon to consider fully of this buisiness, Hee by his other L^{tes}, (returned by the same messenger as themselves do shew,) declareth his marvelous comfort therein, saying **That** then it shall appear before his Counsell the great deceit fallaxity and crafty waies cast and invironed to destroy and holy to an nyntyffement of your honor for ever, if God that is infinite, cui nihil incognitum est, had not lede the penne, for there was never man of honorable blood soe near taken and trapped by perverse sinister and false meanes as your good lords^{ps} had beene, not only to your endles reproche, but also to the desolation hin | drance and decay of your noble successe after your departure, loosing two such baronies as Segrave and Mowbray is, whereby ye are lord Segrave and lord Mowbray, And thereby your stile of honor should bee lost from you and your honorable issue for ever; Therefore (saith M^r. Try) infomuch as they falsly mindeth to deceive and dishonor your noble blood, force your self with the help of Jhesu to retraite and annull their mischevous and froward purpose; And God will increase your honor and give you strength, and so shall daily bee my prayer for the increase of your honor, longe in good life to endure, written this 17th of this month of August, with the blotting hand of your humble servant.

Thomas Try.

Hercupon

Hereupon this lords Counfell came to Callowdon, where this honest and wise gentleman soe made good his informations, That the next Term this lord himself went to London taking with him these tres, as the words of this lords own hand-writing on the back of one of them implies, whom M^r Try, (though then not recovered of a broken leg,) there mett; where followed a finall breach of this intended exchange, much furthered also by the duke of Norfolk, to whom M^r Try had free acceffe on all occations, as other tres of his do declare; And afterwards other exchanges intended likewise by this lord Thomas with other gentlemen fell of also.

And it is apparent That the Counfell here mentioned to bee sent by this lord were the Steward of his lands, the Auditor of his revenue, the receivour of his rents, and Sollicitor of his law causes, whom this lords son most comonly accompanied; and these once in the yeare visited all his man^{rs}, and lands, And then not only held his courts and granted estates to his tenants in each manor where they came, but also took the accompts of the Bayliffes and Reeves, causing them there to pay in the moneys in their hands to the receivour; And from Callowdon at this time they went to Bretby and other manors of this lords.

Comp:receptor:et
hospicij in castro
de Berkeley.

In the 31th of king Henry the 8th was a suite in Chancery between Thomas Woodward and other inhabitants of Slimbridge pl^{ts}. And Edward Trotman and others def^{ts}, touching the severall comonings of their sheep upon Slimbridge Warth, wherein from the depositions of divers witnesses therein examined appears the husbandly courtes of this lord, who in the 20th of H. 8th, then dwelling at Mangotesfeild, built a sheep house on a pcell of ground by the Warth, And having hired common of Rich^d Hannis one of the coheirs of Rivers, kept there a flock of sheep, which hee afterwards withdrew, faith those depositions, upon remonstrance to him made by the inhabitants of Slimbridge, (for at this time hee was not lord of that manor,) That noe person by the custom of the said Warth might have sheep going there unles hee personally dwelled in Slimbridge or fframpton parishes; which howsoever it went for currant in that suite, yet I am sure for forty years past the contrary hath been used, and still is. **B**ut this suite, (whereto this lord was noe party,) sets out his husbandly course of life, which is the end I Vouch it for.

Carta exempl: in
castro de Berkeley..

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His wives.

This lord Thomas in the twentyeth of king Henry the 7th not two years before his fathers death, maryed Alienor the daughter of S^r Marmaduke Conestable of
Yorkeshire,

carta in castro de
Berkeley.

Carto. 14. Maij.
a^o [1505] in castro
de Berkeley.

Yorkeshire, knight, then the widow of John Ingleby Esq^r, son and heir of S^t William Ingleby knight, by whome shee had issue a son called Wittm Ingleby; whose wardship of body and lands, this Thomas and Alienor the 14th of May in the third year of the Bishops translation, bought of the Bishop of Durham,¹ of whom the same were holden by knights service: Of which William is an honorable posterity with opulent possessions, flourishing at this day.

Carta 5. H. 7. in
castro de Berley.

Rec: mich: terme:
24. H. 7. rot. 327.
rot. claus: in canc:
20. H- 7. m.

The Joynture which this Alienor had for her life from her first husband, was the manor of Spridlington in Lincolnshire, and divers messuages and lands in Rowcliffe, Skelton, and Estharleisey, in Yorkshire, assured to her upon her first marriage in the 5th of Henry the seaventh; whereby I conceive shee was somewhat elder than this lord her second husband: And for her second Joynture upon this her second marriage with the lord Thomas, had assured to her the manor of Hovingham in Yorkshire, (where shee and this lord her second husband lived the most part of the first twelve yeares after their Marriage,) And the manors of Sages and Upton S^t Leonards in Gloucestershire, with some other lands.

carta in castro de
Berkeley.

And the better to enable this younger brother for such a wife, his father and elder brother conveyed to him and the heires males of his body the said manors of Hovingham, Sages, and Upton S^t Leonards, and all their lands in Thornbury; And the manor of Hinton in Cambridge Shire; Some of which by new agreements were after reconveyed to the said Maurice his elder brother.

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This Alienor was a mild and vertuous lady, taking great care for the education and marriage of those two sons and two daughters of whom this second marriage had made her y^e mother, as by divers tres and muniments in Berkeley Castle may bee collected; ~~Howbeit~~ before shee could see those works performed, shee left her blessing to them, and her soule to God, in the 17th yeare of king Henry the 8th, having been baronesse near two years; And lyeth buried in the monastery of S^t Augustines by Bristoll, to whose side her husbands body was after brought, as followeth.

fol: [690]

Volunt: 24. H. 8.
3. carta in castro
de Berkeley.

The second wife of this lord was Cicely the widow of Richard Rowdon of Gloucester, Esq^r and daughter and coheir of whom hee married in the 18th of Henry the 8th; And whom againe after six years hee left a widdow, with her own estate shee brought, And the manors of ffenystanton, Hilton, Auconbury, Weston, Guiherne, Charters and Murrow, Bitton, and Upton S^t Leonards,

Mich:rec:38.H.8.
rot. 25. cum rem:
thes:

¹ William Sever, who was translated from Carlisle in 1502. [Ed.]

Leonards, in recompence of her Joynture and dower by him ; which within fower months after her husbands death, shee assigned to his son and heire for the yearly rent of 142^{li}. 06^s. 8^d which was paid her till the last of Queen Mary, when shee dyed at Bristoll, where shee lyeth buryed ; And for her continuall abode there was called my lady Cicely of Bristoll.

carta in castro de Berkeley.

Divers: comp̃i
minist̃r in castro
de Berkel :

By which later marriage of this lord hee hemmed in ffances one of the two daughters and coheirs of the said Richard Rowdon to bee wife to Maurice Berkeley his second son, as followeth ; (the other called Katharine being after married to Withm Read,) which alliance was partly the cause why this lady Cicely took part with the said Maurice in the unkind fuites w^{ch} his elder brother the lord Thomas, and after him the lady Anne his widowe, preffed against him, as after is related.

And it is truly said, That these two ladies Alienor and Cicely were the last wives to the lords of this family that have not had private ends for their own advantages upon their husbands affaires, and too often prevailed over them, As in the lives that follow to the end of this history will appeare : And like to hold for one generation further.

His issue.

This lord Thomas, by the lady Alienor his first wife, had two fons Thomas and Maurice, and two daughters Miriell and Jone, Of whom in order. |

1. Thomas the eldest was lord after his father, whose life followeth by the name of Thomas the sixth. 678

Maurice, the second son, had by the conveyance and will of his father settled upon him for his life, the manors of Dalby-Chawcombe, Mountforrell, Mangotsfeild, and other lands ; And the manor of Aylmington, to him and the heires males of his body : wherewith hee had small quiet, through the fuites that arose about them between his elder brother and his widowe the lady Anne, as in their lives appeares.

This Maurice married ffances daughter and coheire of Richard Rowdon, brother and heir of Walter, fons of John Rowdon, after remarried to Richard Danvers, by whom also shee had issue remembred in the last will of Thomas lord Berkeley her father in lawe with a chaine of gold and other legacies,) by which ffances this Maurice had two fons, and fower daughters, viz:

Shee dyed. 4. Eliz:
Ing: 5. H. 8. post
mort Rowdon.
Volunt: Thomæ de
Berkeley. 11. Jan:
24. H. 8.

Edward

Edward Berkeley of Bradley by Wotton, who married Elizabeth daug^r, and heire of Brice Berkeley of Bradley, and died without issue, and is buried in the Chapple of Berkeley Church with this inscription, **Here** lyeth the Body of Edward
 Anno 19. Eliz : Berkeley Esq^r, who de ceased the , 23th of March : Anno Domⁱ : 1576.

Maurice younger brother of the said Edward dyed also without issue.

Matthewe. Frances their elder sister was married to George Matthew, who had issue Thomas Mathewe, who by Judith his wife daugh^r of Henry Townsend of Oldbury hath left issue, Richard Mathewe that now is, Anno . 1628. And lyeth buried in Portbury Church, with this mistaken inscription upon his tombe, Here lieth the body of Thomas Mathewe, gent : and cozen germane to the Lord Berkeley, who departed this life the 14th day of Decem^r 1615. For hee was in the third discent, And George now lord Berkeley (in whose time hee dyed) in the fourth discent from this lord Thomas, their common Auncestor.

Morris. Alienor, their second sister was maryed to John Morris, who had issue Mary since dead without issue: **As** also is another sister of the said Alienor, married to

Clifford. James Clifford of fframpton, who lived not longe together, before death took her away without issue.

Westley. Anne the fourth sister was married to Leonard Westley, who had issue ffrancis Westley borne after the death of his father, now of Cromhall in the hundred of Berkeley ; who by Anne his wife daughter of William Trotman of Wotton hath issue Henry, now attendant upon George lord Berkeley ; And after, the said Anne
Rowdon. was remarried to Anthoney Rowdon of Bromyard in the county of Hereford ; by whom shee had issue Richard, ffrancis, Isaacke, and Dorothy Rowdon - Which said Richard Rowdon, hath issue Edward, ffrancis, John, and Awdry ; And the said ffrancis brother of the said Richard, hath issue Thomas, ffrancis, and John. The said Isaack is lately dead without issue ; And the said Dorothy their sister is lately Married to M^r Blunt of Wye in the County of Hereford ; And this Maurice second son of this lord Thomas lyeth buried in Temple Church by Bristoll, in a faire tomb, with his portraiture and Eschucheon of Armes thereupon ; as I am informed.

3. **Miriell** eldest daughter of this lord Thomas, was in the 18th yeare of king Henry the 8th maryed at Yate to Robert Throkmerton of Caughton in the County of War^r, (after knight,) son and heire of S^t George Throckmerton and of Katharine his

his wife daughter of Nicholas lord Vaux ; **The** marriage portion of Miriell was 750 marks, as by an Indenture containing many other covenants and agreements appeareth ; And her Joynture, as the said Indenture sheweth, was the manors of Blacknonton in Worcesterfhire, and Birdbury in Warrwickfhire ; ffor payment of which marriage portion many acquittances remaine on a file in Berkeley Castle : Where also it appeareth, That her wedding hofe and shoes cost, 22^d **Shce** was a lady of a small stature, lived longe and vertuously ; And saw ere shee dyed discended from herself—220—persons, as I have very credibly been informed, by such as undertook to recount them, Many of whom now follow ; **Which** S^r George Throkmerton was son of S^r Robert, son of Thomas, son of John Throkmerton, who lived in the time of King Edward the third.

Carta: dat. 10. Nov:
18. H. 8. in castro
de Berkeley.

Comp. Georg.
Shipway señli.
18. H. 8.

This Miriell Berkeley and Robert had issue between them Thomas Throgmerton, Elizabeth, Mary, Emme, and Katharine, of whom in order.

The said Thomas Throgmerton maryed Margaret daughter and heire of William Horwood, Attorney generall to king Henry the 8th, by whom hee had issue John, Miriell, Mary, Margaret, Elizabeth, and Elleanor.

The said John the son of Thomas maryed Anne daughter of Thomas Wilford of Kent, who had issue Robert, Margaret, Ellenor, Winefred, and two or three younger sons. The said Robert first married Dorothy daughter of S^r ffrancis ffortescue of Buckinghamfhire, And secondly married Anne daughter of S^r ffrancis Smyth of Leicestershire, by neither of whom hee had any issue. Of the said Margaret, Elleanor, Winifred, and the rest, I am not inabled to write.

Fortescue.
Smyth.

Myriell eldest daughter of the said Thomas Throgmerton and Margaret, sister to the said John, was married to Henry Berkeley of Stoke Gifford, of whose issue see before in the lives of Maurice the third, and of Maurice the fifth.

Berkeley of Stoke
fol: 274. 275. 627.
628.

Mary the second daughter of the said Thomas Throgmerton and Margaret is not yet married. |

Margaret third daughter of the said Thomas Throgmerton and Margaret was married to Rice Griffin of Dingly in Northiton^r, who have issue Edward, Nicholas, Thomas, and Lucy ; whereof the said Edward hath maryed the daughter of M^r Draycote of Staffordfhire, who have issue, and the said Nicholas hath married Jane daughter

680
Griffin

daughter of M^r Edmond Peers of Warwickshire, who have issue, Thomas and Lucey are not yet married.

Elizabeth, the fourth daughter of the said Thomas Throgmton and Margaret, Griffith was married to S^r Henry Griffith of Wigmore in Shropshire, who have issue, Henry and Elizabeth; which Henry hath married one of the Coheires of S^r Francis Willoughby Willoughby, who have yet noe issue: And the said Elizabeth is married to S^r Boyton Matthew Boyton of Yorkshire, who have issue, 1618.

Elleanor, the fifth and youngest daughter of the said Thomas Throgmton and Jermingham. Margaret, was married to S^r Henry Jerningham of Coffy in Norfolk, who have issue John, William, Thomas, Katharine, and Elizabeth.

The said John married Mary daughter of S^r Francis Moore of ffawley in Berkshire, who have issue Henry, The said Katharine is married to Francis Sanders of Saunders. Shankton in Leicestershire, Esquire.

And the said Thomas and Elizabeth are not yet married.

The said William is (Anno 1624) married to Mary the widow of M^r John Younge.

The said Elizabeth eldest daughter of Miriell Berkeley and sister of the said Goodwyn. Thomas Throgmton, was married to S^r John Goodwyn knight of Winchington in Buckinghamshire, who had issue two sons; John, who by Anne his wife daughter of Stukeley. S^r John Baker of Kent have issue a daughter married to S^r Thomas Stukeley, between whom are divers children now living. 1618.

And Francis Goodwyn knight, brother of the said John, who by the daughter of Arthur lord Gray, hath issue Arthur, and Edward who is dead without issue, and one daughter.

And the said Arthur by Jane his wife second daughter of S^r Richard Wayneman of Tame Parke in Oxfordshire hath issue a daughter: And the said Elmes. sister of Arthur Goodwyn, is married to William Elmes of Greensnorton in the County of Northampton Esq^r 1618.

The said Mary, second daughter of the said Miriell Berkeley and Robert Arden. Throgmton, was married to Edward Arden of Parkhall in the County of Warrwicke Esquire,

Esquire, by whom shee had issue Robert, Katharine, Margaret, Myriell, Mary, and Elizabeth, who are married as followeth.

The said Robert Arden by Elizabeth his wife, daughter of Reignold Corbett, |
a Judge of the kings bench, hath issue S^r Henry Arden, and Anne Arden; which 681
S^r Henry Arden by Dorothy his wife daughter of Basill ffeilding of Newenham in
the county of Warrwick Esq., hath issue, Robert, Elizabeth, Judith, Dorothy and
Anne: And the said Anne Arden was maryed to Walter fferrars Esq^r second brother Ferrars.
to S^r John fferrars of Tamworth castle, who have issue, John, Walter, and Dorothy.

The said Katharine Arden sister of the said Robert, was married to S^r Edward
Deveraux of Castle Bromwich in Warrwickshire, Baronet, who have issue, Walter, Deveraux.
William, George, Henry, Edward, Margaret, Anne, Howarda, and Grace; of whom,
William, Henry and Edward are dead without issue. The said Margaret is married
to S^r Hugh Wrothesly of Staffordshire; And Anne is maryed to M^r Leighton of Wrothesley
Shropshire; And Howarda is married to Thomas Dilke of Maxtock castle in Leighton.
Warrwicksh^r; And the said Walter Deverox the eldest son maryed Elizabeth Dilke.
daughter of Thomas Knightley of Preston, in Northhamptonshire Esquire, who have
issue Effex, Leicester, Katharine, Walter, Edward and John Deverox.

Margaret Arden another sister of the said Robert was first maryed to John
Somerfeild, who was attainted of Treason in the 25th of Queen Elizabeth, by whom Somerfeild.
shee had issue Margaret and Elizabeth; And secondly to one De la hay. De la hay.

Myriell Arden another sister of the said Robert, was maryed to William
Charnells, who have issue Edward, Robert, Godfrey, Anne, Myriell, and ffrances Charnells.
Charnells.

Mary Arden another sister of the said Robert, was maryed to ffancis Wafery Wafery.
of London.

And Elizabeth Arden the youngest sister of the said Robert was married to Shugburrow.
Simon Shugborrow of Shugborrow in Warrwickshire, who have issue, George flaine
at the Isle of Ree, and two daughters.

The said Emme another daughter of the said Myriell Berkeley and Robert
Throginton was married to Ralph Shelden of Beoly in the County of Warwicke,
by

Sheldon by whom shee had issue Edward Sheldon, Elizabeth, Mary, Myriell, Margaret, Katharine, Phillipa, and Jone.

The said Edward Sheldon by Elizabeth his wife, daughter of Thomas Markam Esq^r hath issue William, who hath maryed Elizabeth daughter of William lord Peter, Ralph, unmarried, Edward Sheldon maryed to Anne sister of Thomas Morgan of Weston, Esq^r, Frances, Anne and Jone ; which Anne is maryed to Henry Lucey. Lucy of Pinchburge in the County of Hartford Esq^r; And the said Jone is maryed Apleton. to S^r Henry Appleton of South benfleet in the County of Effex, Baronett, who have issue, Henry, Anne, and Mary, 1630.

The said Elizabeth Sheldon sister of the said Edw^d is married to S^r John Ruffell. Ruffell knight, who have issue S^r Thomas Ruffell knight. |

682 The said Miriell Sheldon an other sister of the said Edward is maryed to S^r Clare ffrancis Clare of Worcesterfhire, knight.

The said Margaret Sheldon another sister of the said Edward is maryed to Standen William Standen of Berkfhire, Esq^r

The said Mary Sheldon, another sister of the said Edward is maryed to John fflower fflower of Hambleton in the county of Rutland Esq^r

The said Katharine Sheldon another sister of the said Edward is maryed to Trentan ffrancis Trenton of Roceter in the county of Stafford Esq^r

The said Phillippa Sheldon another sister of the said Edward is maryed to S^r Sulliard John Sulliard of Wetherden in Kent.

And the said Jone Sheldon another sister of the said Edward is maryed at Andwerpe beyond seas.

The said Katharine, fourth daughter of the said Myriell Berkeley and Robert Norwood. Throgmton, was marryed to Henry Norwood of Leckhampton in Glocest^r shire Esq^r, by whom shee had issue William and Jane.

see fol : 631. The said William Norwood, (who yet liveth, 1628,) by Elizabeth his wife daughter of William Ligon Esq^r had issue Richard, William, Henry, Raph, Thomas, Maurice, Elleanor and Elizabeth.

The

The said Richard Norwood son of William, by Elizabeth his wife daughter of Nicholas Stuard Doctor of the civill lawe, hath issue, Augustine, ffrancis, John, William, Richard, Edward, Thomas, Elleanor, and Dorothy, A^o 1618.

William Norwood brother of Richard, is dead without issue.

Henry the third brother of Richard, by Elizabeth his wife daughter of S^r John Rodney hath issue, Charles, Henry, and Jane, that now are, A^o 1618.

Raph the 4th brother of Richard, liveth a fouldier in the low Countryes. Anno. 1618.

Thomas the fifth brother of Richard, hath yet noe issue.

Maurice the sixth brother of Richard, is dead without issue.

The said Elleanor sifter of the said Richard Norwood, was maryed to George Blunt of Sellington in the county of Worcester Esq^r, by whom shee hath issue, Blunt. Walter, ffrancis, George, Elizabeth, and Elleanor.

And the said Elizabeth, the other sifter of the said Richard Norwood, was maryed to Richard Moore Esq^r, by whom shee had issue divers children. Moore.

The said Jane, sifter of the said William Norwood, was maryed to M^r Bracebridge; who hath noe issue. Bracebridge.

4. **Jone** Berkeley youngest daughter of this lord Thomas, was on Midfommer day in the nineteenth year of king Henry the 8th maryed at Yate, her fathers house, to Nicholas Poynz, (after knight,) son and heir of S^r Anthoney Poyntz of Acton. knight, whose marriage portion was six hundred marks, whereof one hundred pounds at the marriage, and one hundred marks each year after; wherein the agreements were further, **That** if Nicholas dyed before the marriage, then shee to be maryed to his brother Giles Poynz: Each father at his own charge to apparell his own child after his degree: The charges of the wedding diet to be equally borne by either party: Her Joynture to bee—106^{li}. 13^s. 4^d. by the year in land; And 280^{li} land by the year to bee by S^r Anthony settled upon the said Nicholas and the heires males of his body; If Jone dyed, then all payments to cease then unpaid; If by the

Poynz:

Script: dat: 20:
Junij 19. H. 8. in
papiro in castro de
Berkeley.

the death of his fons this lords inheritance should discent upon this Jone and her sifter, Then S^r Anthony to repay so much of the portion as hee had received, and one thousand pound more in lieu of that discent; And if her sifter Myriell dye without issue, whereby Jone becometh sole daughter and heire, Then S^r Anthony to pay . 2000^{li}. and repay the 600 marks also: If differences arise, The same to bee referred to Thomas then Duke of Norfolk: for performance of these agreements, S^r Anthony gave his statute of 1000^{li}. with sureties; And the said lord his bond of five hundred pounds: ~~What~~ fruite sprang from these two plants thus conjoynd, observe in the vintage now following: ~~for~~ the said Jone and Nicholas had issue 1 S^r Nicholas, 2 ffancis, 3 Edmond, 4 Anthony, 5 William, 6 John, 7 Anne, 8 Jane, and 9 ffances, of each of whom in order: ~~And~~ this S^r Nicholas dyed in the third and fourth years of Phillip and Mary, And Jone survived, and was in her Elder years marryed to S^r Edward Dyer, and dyed in the sixth of Queen Elizabeth.

1. ~~The~~ said S^r Nicholas Poynz son of the said Jone and S^r Nicholas, by Anne his first wife, daughter of S^r Raph Varney, had issue S^r John Poynz knight yet living, and Mary, Anno, 1628.

The said S^r John Poynz by Elizabeth his wife daughter of Alexander Sydnam Esq^r, had issue Robert Poynz a knight of the Bath, who by ffances his wife, daughter and coheir of Jervais Gybbon, Esq^r, hath issue Grefill and Margaret, that now are, 1628; Enjoying the quiet contentment of a peacefull country life at Acton in the County of Glouc., the Auncient seat of his Ancestors since S^r Nicholas Poynz in the time of king Edward the first marryed Mawd the daughter and heir of S^r John Acton to his second wife, of whom the said S^r Robert is lineally descended.

684 And the said Mary, sifter of the said S^r John Poynz, was first married | to ffancis Codrington of fframpton upon Seaverne, by whom shee had issue Margaret, first married to Edward Bramidge, by whom shee had issue Ifaack, Mary, and Rebecca; And secon[d]ly to John Sydnam, by whom shee had issue three daughters, viz^t Anne marryed to John Poynz of Surrey Esq^r, by whom is issue; And Urfula marryed to Richard Molinieus Esq^r by whom also is issue; And Elizabeth marryed to Poynz Mill of Harfcombe, by whom also is issue.

~~And~~ the said S^r Nicholas Poynz by Margaret his second wife, daughter of Edward Stanley, Earle of Darby, had issue Edward, Hugh, and Robert, yet living. 1618.

2. The said Francis son of Jone Berkeley, by [Ann] the daughter and heire of [. . . Stawker¹] had issue Jone, marryed to John Wykes of Doddington, by whom is much issue disperfed in severall Counties. Wikes.

3. 4. 5. 6. The said Edmond John Anthony and William fower sons of the said Jone Berkeley are dead without issue.

The said Anne Poyntz daughter of the said Jone Berkeley was marryed to S^r Thomas Heneage knight, of Cophall in the County of Effex, vicechamberlaine to Queen Elizabeth and of her privy counsell, who dyed, 1592. leaving issue Elizabeth only, marryed to S^r Moyle ffinch kn^t, and Baronet, by whom shee hath issue eight sons and four daughters, as followe; And surviving her husband, was in her widowhood created by king James, Vicountesse Maidstone; And after by king Charles, Countesse of Winchelsey, with qualification to all her children to precede as the children of Earles; Of which eight sons four are dead without issue, as also two of the said fower daughters; The rest have issue, as followeth, viz^t,

1. Thomas the eldest son is Earle of Winchelsey, and hath issue Heneage Finch vicount Maidstone, John ffinch, William ffinch, ffances married to S^r William Strickland of Bointon in Yorkshire, between whom is issue Thomas Strickland: Other 4 daughters of the said Earle, viz^t, Anne, Cecill, Diana, and Katharine, are yet unmarried, Anno, 1635.

2. John ffinch, second son of the said Countesse Elizabeth, married Anne daughter of M^r Walker, and left issue now livinge, John, and William.

3. Heneage ffinch, third son to the said Countess Elizabeth, knight and Recorder of the city of London, first married ffances daughter of S^r Robert Bell of Norfolk knight, by whom hee had issue, Heneage, ffancis, John, and Elizabeth marryed to the son and heire of Sir Raph Maddefon of Lincolnshire kn^t; And 2^{dly} marryed the widow of M^r Bennet of Londⁿ, by whom hee hath issue left, ffances and Anne. |

4. ffancis ffinch 4th son to the said Countess marryed Anne daughter and heire to M^r Walter of Suffolk, by whom was issue a son and a daughter, who died young. 685

5. Anne,

¹ See Chancery Proceedings Queen Elizabeth, 16 Nov., 1590, William Hobbes of London, Yeoman, *versus* Francis Poyntz, of Mowbray, Gent., and Ann his wife. [Ed.]

Twifden. 5. Anne, eldest daughter to the said Countes, is married to S^r William Twifden of East Peckam in Kent, Baronett, who have issue, Roger, Thomas, William, John, ffrancis, Elizabeth, and Anne; Which Roger knight and Baronett, married Ifabella, daughter to S^r Nicholas Sander of Ewell in the County of Surrey knight: Cholmeley. And the said Elizabeth is married to S^r Hugh Cholmely of Whitbey in the county of Yorke, knight: And the said Anne is married to S^r Christopher Yelverton in the County of Northiton knight, who have issue.

6. Katharine, second daughter to the said Countes Elizabeth is married to Wentworth. S^r John Wentworth of Gosefeild in the county of Effex, Baronett, who have issue L^d Gray. Cecill married to William lord Gray of Warke in the county of Northumberland; And Lucy Wentworth yet unmarried. 1634.

8. ~~The~~ said Jane daughter of the said Jone Berkeley was married to John Seimor Esq^r base son of Edward Seimor Duke of Somerfet, by whom shee had issue Sir Thomas Seimor of fframpton Cotterell knight, Jane and one other daughter; Which S^r Thomas Seimor by Jane his first wife daughter of M^r Webb, hath issue John Seimor knight, Gabriell, Elizabeth, and Anne; And by Anne his second wife, had issue Edward, Elleanor dead without issue, Jone married to John Aside, ffrances, Strickland. Anne, and Mary dead without issue, and Elizabeth married to S^r Thomas Strickland of Yorkshire knight, as followeth.

The said S^r John Seimor by Alice his first wife daughter of William Pawlet Esq^r, hath issue Katharine, Agnes, and one other daughter: And by . . . his second wife daughter of M^r Symes, hath issue Thomas, and others.

The said Gabriel, brother of S^r John Seimor, by Katharine his wife daughter of Richard Cave of Bristoll hath issue, Thomas, John and Mary.

The said Elizabeth, sister of the said S^r John Seimor, was married to Edw^d Watkins. Watkins of Bridgewater, who have issue, Thomas, Elizabeth, and Anne.

And the said Anne, sister of the said S^r John and Gabriell, is married to Nuce. Thomas Nuce, who have issue: Hee lately dead in Virginia; shee there yet living, Anno 1618.

The said Jone, sister of S^r John Seimor, was married to John Aside of Upton Cheyney his second wife, by whom shee had issue fower sons, and a daughter all dead without issue. And

And the said Elizabeth, youngest daughter of the said S^r Thomas Seimor, was married to S^r Thomas Strickland of Yorkshire, who had issue 4 sons all dead wthout issue, And Alice married to S^r Jn^s Webb of London, kn^t who have issue. |

Strickland.

Webb.

9. The said Frances daughter of the said Jone Berkeley, was maryed to S^r John Berkeley of Beverfton castle, knight, by whom shee had issue John Berkeley, Jone, Katharine and Margaret. Which John, by Mary his wife daughter of John Snell Esq^r, had issue, 1 Maurice, 2 John, 3 Henry, 4 William, 5 Edward, 6 Thomas, 7 Mary, 8 ffrances, 9 Elizabeth, and 10 Anne. Whereof the said Maurice, by Barbara his wife daughter of S^r Walter Longe, hath issue Edw^d; and others; And the said Mary his sister is maryed to Edward Conway of Gloucester shire, The other eight are unmarried. 1623. As also is Jone the eldest sister of the said John Berkeley, leading a Nunnes life at Bruffells, beyond seas; And now lady Abbefse there. 1630.

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Berkeley of
Beverfton.

See fol : 375.

Conway.

The said Katharine, second sister of the said John Berkeley, by Thomas Symonds, a minister, hath issue Thomas, Anno. 1620.

Simonds.

And the said Margaret the other sister by Jesper Merricke of Berington, a minister, hath issue, Sibill, Anno. 1620.

Merrick.



His Seales of Armes.

This lord Thomas, a few years before his death, used (wherewith also hee sealed his last will,) a great broad Seale fower inches diameter, with the Armes of Brotherton, Berkeley, Warren, Mowbray, Segrave, and Breouse, quartered. The helmet for his crest with a lion passant on the top thereof: And two lions for supporters, circumscribed, Sigillum Thome Dñi de Berkeley, et Mowbray Segrawe militis.

And for his privy feale, A small lyon rampant. Behold the figures. |

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His death and place of buriall.

Annis. 4. et. 5.
H. 8. et. 8. et. 11.
H. 8.

The lord Maurice elder brother to this lord Thomas, did by severall Deeds, fynes, recoveries and other assurances at severall times, estate Judge Brudnell and others in all his manors formerly mention'd, To such uses as before in his life hath been declared.

Carta. 30. Nov. 18.
H. 8.

Carta. 1. Julij. 19.
H. 8. in castro de
Berkeley.

Carta. 9. Julij :
20. H. 8. et. 12.
Nov : 20. H. 8. in
castro de Berkeley.

Now Katharine the widow of the said lord Maurice being dead, as also the lady Elleanor the first wife of this lord Thomas, And hee remarried to the lady Cicely, And his sonn and daughters maryed, and ready to bee marryed, Hee now procures his brothers feoffees and Recoverors to grant over the same to Thomas Earle of Surrey and twenty others to divers uses : whereof

Volunt : 28 Aprill
24. H. 8. in castro
de Berkeley.

Triñ. fin : in sc̃a Cio
23. H. 8. rot : 19.

The manors of ffenystanton, Hilton, Auconbury and Weston in the county of Huntington : And Guyherne, Chatteryes, and Murrow in the county of Cambridge ; And Bitton and Upton St Leonards, called Grove court, in the county of Glouc. ; To the use of the lady Cicely his wife for her life, in recompence of all dower and Joynture that shee any ways might claime, And after her death, to his son Thomas in taile, with many remainders over, to his other son, daughters and neeces : **And** the manors of Dalby Chaucomb, and Mountforrell in the County of Leicester, And the manor of Mangottsfeild in the County of Glouc., To the use of Maurice his second son for the terme of his life, the remainder to Thomas his eldest son in taile with like remainders over. **And** the manors of Melton Mowbray, Segrave, Sibley, and Coldoverton, and the hundred of Goscote in the County of Leicester ; and the manor of Sages in the County of Gloucester, To the payment of his debts, and legacies, and performance of his will, And after to the use of Thomas his son and heire in taile, with the like remainders over, and the manors of Tetbury and Daglingworth in the County of Gloucester, To the use of Thomas his

his sonne and heire in taylor with like remainders over. And the Manors of Cotes, Thurneby, and Witherly, in the county of Leiceſter; The manors of Flekenhoe, Thurlaſton, and Aſpely, in the county of Warw^{re}, The manors of Bretby, Coton, Roſtlaſton, Repingdon, and Lynton, in the county of Derby, The manors of Boſham, ffuntington, and Thorney in the county of Suffex, and 14^{li} rent going out of the man^{rs} of Bromeley in Suffex, and Leigh in the county of Lincolne, Twenty two marks rent out of fframpton upon Seavern, and fower meſſuages and 170 Acres of Land in Thornbury, And the fourth part of the manor of Brok-enbury in the County of Glouc., To the uſe of himſelf and his heires, and to performe his will.

Carta. 9. Julij. 20.
H. 8. in caſtro de
Berkeley:
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By this will and other his deeds, hee gives theſe penſions and Annuities for the lives of the parties, his kinſmen, allies, ſervants, and well deſerving freinds, viz:

carta in caſtro
de Berkeley.
Vol: 24. H. 8. in
p^{re}dict.

To John Arnold Eſq^r, his brother in lawe; Ten pounds, whom hee made high Steward of all his Manors and lands in England.

Carta. 4. Junij. 17.
H. 8. in caſtro de
Berkeley.

To Thomas Lane, 5^{li}. To David Broke. 3^{li}. To Thomas Hennege Eſq^r 4^{li}. To Henry Weſton. 4 marks. To Henry Wikes. 40^s. To Arthur Porter. 40^s. To Edward Chapple. 40^s. To Nicholas Arnold. 40^s. To Katharine Rowdon. 50^{li}. To Richard Arnold. 5^{li}. To Richard Hawkins. 40^s. To Robert Cockes. 53^s 4^d. To Maurice Denys, 40^s. To Margaret Denys, 40^s. To John Falkener. 40^s. To Edith Martin, 66^s 8^d. To Bridget Paris, 20^{li}. To Thomas Simonds, 20^s. To Matthewe Bucke. 20^s. To John Berkeley his unkle Thomas ſon. 10^{li} w^{ch}, (faith his will) hee is bound in conſcience to ſee him truly paid.

Inq: 29. H. 8.
poſt mort^u Thome
dom: Berkeley

And by his ſaid will hee further gave, Ten pounds towards the amendment of the highwayes at Mangotesfeild, where hee then dwelt. And Twenty pounds towards the repaire of Keinſhams bridge fower miles off. And 100 markes towards the building of the high Altar at S^t Auguſtines by Briſtoll. And Ten pounds towards the repairing of the Cloiſter of the black ffryars in Briſtoll; And divers other like legacies to his houſhold ſervants, to the ſeverall orders of fryars, poore priſoners in Goales in divers places, &c. And eight pound by the yeare for ten years to his godſon Thomas Harcourt preiſt, to ſinge and pray for his ſoule: And to buy veſtments for Mangotesfeild church eight pounds. The laſt remembred was his eldeſt ſon, to whom hee gave all his Armour and parliament robes; And of this Will hee made his three loving freinds, fitz James and Inglefeild Judges, his foreſaid brother in law John Arnold, and Ciceley his wife, his Executors, to whom hee gave

gave ten pound each ; which fitz James was also one of his elder brothers the lord Maurice his executors, as before hath been declared.

2. Kings. 20. 1.

Vol: 28 Apr. 24.

H. 8. in castro
Berkley.

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Thus did this good and prudent lord Thomas followe the prophets counsell given to Ezekias, that pattern of Princes and their peeres, by setting his house in order, in Aprill in the 24th of king Henry the 8th knowing, not as Ezekias from the prophet Efay, That hee should then dye, and not live, but out of a wife and religious meditation of mans|mortality, his own old age, and the decaying constitution of his body.

Vol: 24 H. 8. p^rd^r.

Comp: Señli
hospicij in castro
de Berkley.

Job. 19. 25. 27.

2 Cor. 12. 4.

1 Cor. 2. 9.

In January following hee takes his chamber in his house at Mangottesfeild, And the 11th of that month reviews his will and approves it, made in Aprill before, And Adds thereto a Codicell, wherein (amongst other things) hee takes order for his Tombe and funerall ; And then takes his bed and draws unto him company fitted for the longe journey hee was to take, the Abbot of S^t. Augustines by Bristoll, the Abbot of Kingfwood, the Deane of Westbury Colledge, the Doctor and pryor of the black ffryars in Bristoll, and some other of the most devout and learned divines of those parts ; And on wednesday the 22th of that January, Anno. 1532. in the faid 24th year of king Henry the 8th in the midst of their prayers and blessings, doth (as it were) close up his own eyes from the further sight of the transitories of this life, hereafter to see with them God his creator and redeemer, and such things in his celestiall paradise and third heaven (as S^t. Paul speaketh) as are not possible for man to utter, such as eye hath not seen nor eare heard neither have entred into the heart of man, even the things that God hath prepared for them that love him.

George L^d Berkley

Thus lived this lord, thus dyed hee ; dye ill hee could not, that lived foe well: well to God, well to the world, well to himself, well to his heire and posterity, well to his friends, kindred and servants ; ever within compas, never exceeding his circumference, or the sphear of his revenue : Happy will bee his now grandchilds grandchild, if hee apply to himself the actions, life and death of this Ancestor for his example.

As hee lived like a noble honest lord, foe hee dyed like a Saint, yea hee did rather migrare quam mori ; abire, quam obire ; not dye, but fall asleep: Never hath my reading found any so great a lord, that left this world more resolved, more prepared : As though hee had unbraced himself for his bed, rather than for his grave : **And** thus passed hee from a mortall day to an everlasting morrow. Summum homi-

nis

nis bonum, bonus ex hac vita exitus. The felicity of man is his good leaving of this life.

To the earthly happinefs of this lord, this may bee added, (greater then that of king Solomon,) That hee left behind him a wife fon to fucceede ; A bleffing that that king had not ; And honeft executors that performed his will.

The manner of whose funerall and devotions for him done after death by preifts and fryars, read out of the accompt of his funeralls, deli-|vered by his Steward of houfhold, to his faid Executors, as breifly as I could abftraçt the fame ; wherein note, that his body according to his will was firft buried in the Church of Mangottesfeild where hee dyed, And after, as hee had appointed, it was removed to his owne tombe fet up in the church of the monaſtery of S^t Auguſtines by Briſtoll, and there buried by the fide of Alienor his firſt wife, as his Will directed.

Comp : Señli :
hoſpicij 24. H. 8.
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in caſtro de
Berkeley.

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caſtro de Berkeley.

To fower preifts to fay maſſes the 24th of January, the corps being then not buried—16^d

To thirty preifts and two clerks ſinging at the buriall—15^s. 4^d

To eight men ringing two dayes and a halfe—6^s. 8^d

To eighteen preifts for maſſes—9^s

To 24 preifts—12^s

To poor people the day that the corps was brought to the church—38^s. 8^d

The ſame day to forty preifts and twenty clerks—30^s

To poore people in money doaled and given in Almes the day of the buriall of the Corps—6^{li}. 13^s. 4^d

To S^t John Nelme preift for a derige and maſſe at Slimbridge—2^s. 1^d

To men for ringing there—4^s

To 8 preifts for each a maſſe the wedneſday the 29th of January after the corps was buried—2^s. 8^d

To 6 preifts the 30th of January for 6 maſſes—2^s

To fower preifts the laſt of January for 4 maſſes—16^d

To two preifts the ſecond of ffebruary for 2 maſſes—10^d this was candle-mas day and theſe extraordinary maſſes.

The third of ffebruary to 4 fryars for 4 maſſes—16^d

The 4th of ffebruary to two preifts for two maſſes—8^d

The 5th of ffebruary to 4 preifts for 4 maſſes—16^d

The 6th of ffebruary to 4 preifts for 4 maſſes—16^d

The 7th of ffebruary to 6 preifts for 6 maſſes—2^s

4^d was y^e ordinary
price of a maſſe,
as certaine as 8^d
is to a day laborer:
or 20 eggs were
for 1^d

The

The 8th of february to 6 preifts for 6 maffes—2^s
 The 9th of february to 5 preifts for 5 maffes—20^d
 The 10th of february to 6 preifts for 6 maffes—2^s
 The 11th of february to 4. preifts for 4 maffes—16^d
 The 12th of february to 6 preifts for 6 maffes—2^s
 The 13th of february to 10 preifts for 10 maffes—3^s 4^d
 The 14th of february to 5 preifts for 5 maffes—20^d
 The 15th of february to 7 preifts for 7 maffes—2^s 4^d
 The 16th of february to 2 preifts for 2 maffes—8^d
 The 17th of february to 4 preifts—16^d |
 691 The 18th to 4 preifts—16^d
 The 19th to 6 preifts—2^s
 The 20th to 9 preifts—3^s
 The fame day being S^t Mildreds day to poore people in Almes, 4^s 8^d
 The 21th to 4 preifts—16^d
 The 22th to 4 preifts—16^d his monthes mind day.
 To poore people in Almes the fame day, the day of the months mind—
 10^s 10^d Soe all maffes ceafed at Mangottesfeild.
 To the Pryor of the black ffryars in Bristoll and his brethren for faying
 of maffes—5^s
 ffor derige, maffes and fervices in the church of Berkeley, 13^s 4^d
 And foe in other places ; And for tapers—wax, &c,—53^s 4^d Thus the
 accompt of the Steward of houfhould delivered to the Executors.

Hee dyed as hath been faid the 22th of January, Anno, 1532 . in the 24th of
 Henry the 8th then of the age of 60 years and upwards, whereof hee had fit lord
 nine years fower months and ten dayes ; And lyeth buried under a fair tombe
 with his firft wife Alienor, upon which hee appointed by his will forty pounds to
 bee beftowed : which was done. Where in the Sepulchre of his anceftors, (Gods
 fervants,) waiting for the hope of Ifraell, the raifing of their bodies in the refur-
 rection of the juft, hee fleepeth in peace. And pofterity may not, without a fpice of
 flattery call thofe that fucceed after true and naturall branches of this excellent tree,
 that fhall not in their times beare fruite fomewhat relifhing this roote, that gave
 fuch fap as his life and death hath done, for the imitation of his Pofterity.

Happy is hee whofe Anceftors
 of vertue made profeffion,
 And from himfelf example leaves
 of vertue to fucceffion.

The lands whereof hee dyed seized.

The lands whereof this lord dyed seized are under the last title before particularly mentioned, And were all the same in effect which | his elder brother left unto him, and hee to his son ; ffor this family in this lord may bee said neither to have suffered any remarkable eclipse, or increase, but the moon in this lords hemispheare to have continued in the same aspect as shee stood when hee first beheld her rising upon the death of his elder brother. 692

And after this lords death, his eldest son found the favor to avoid the charge of finding of Inquisitions ; But the 12th of february following tendereth a schedule of the manors and lands with their yearly values, whereof hee desired to take benefit by his speciall livery and ouster le maine, in the Counties of Leicesters, Gloucester, Huntington, Cambridge, Suffex, Darby, Yorke, Warwick, Wilts, Lincolne, and Calais, all of the yearly value of—920^{li}. in rents of assise, (besides the demesnes in hand,) or near thereabouts, And such as were in ffeoffment to uses ; And the 24th of November in the 25th of the said king procured the same under the great seale, which yet remaines in Berkeley Castle.

Sched : indent.
dat. 12. febr : 24.
H. 8. in castro de
Berkeley.

Triñ. rec : in sc^acio
23. H. 8. rot. 19.

Pat : 2 ps. 25. H. 8.
carta in castro
de Berkeley.

The Application and use of his life.

1. The course of this lords life verifies what is said of learned men, That none ever saw a great scholler arrogant, for the more hee knows the more of his weakness hee understands ; And that the least knowledge is ever most proud : ffeawe or none of this lords time in the county where hee lived milder or more provident, ever seeming rather desirous to learne then to teach others : It was also in request with this lord to say, Malo me divitem esse quàm haberi, better to bee rich then so accounted ; Hee rightly understood the text of, vive tibi : Hee was soe lowly and moderate in his whole life That to the mean hee was freely affable, And to the gentry noe taller then a companion ; whereby through humility and moderation of life, hee was honored of all : And (to tell truth to his posterity) commanded without contradiction throughout the whole County of Glouc^r wherein for the last nine years of his life hee lived a Baron after his brothers death. |

2. Againe, having lived in the condition of a younger brother till y^e. 52th yeare of his age, And sparingly bred in youth under his fathers and elder brothers husbandly examples, hee little changed that frugality of condition whilst hee lived a Baron and Peere of the Realme ; And knewe, that for the regulating of an household where the ruler himself runs at randome the servants will beare noe byas : And 693

And that for order & thriving it was better to have in household two too few then one too many : And having foe lived, his death could not bee but blessed, as you have read.

3. *Againe* by the example of this lords life, the words of his posterity should bee fewe but advised, forethinking whether that which they are to speake bee fit to bee spoken ; And rather to bee silent then speake to an ill or noe purpose ; And to let heart and tongue goe togeather in honesty and truth ; hating diffembling in others and detesting it in themselves ; the known vertues of this noble lord by the witnes of many that converfed with him living since the midft of my daies : whose directions also to his steward of household, (being lord,) were, That nothing should bee spent which might honestly bee spared, nor any thing spared which might honestly bee spent.

4 *Againe*, this family may learn from the wisdom and example of this their Ancestor, how by following the counsell of his old and prudent servant Thomas Try hee avoided the baites and craft of Sacheverell, to his comfort and benefit of his posterity : And not to scorne the advice of the aged and experienced, though servants of their own family : Or to thinke foe highly of their own abilities, as if they had a prerogative to bee free from error or oversight : What Rehoboam lost by young counsell & flatterers, What hee had gained if hee had gone along with the advice of his fathers old servants let the spirit of God in the text tell for both, And let their practice bee thereafter.

1. Kings. cap. 12.
2. Chron : ea : 10.

5. *Againe*, This lords character I thus conceive; hee equalled not his father or elder brother nor many other of his ranke and time in prowesse or in the depth of Worldly wifdomes, neither did his education bowe him that way : But was not inferior to the best of them in an honest and religious life : Apt to beleeeve well, loath to heare ill, farre from credulous assenting to a first tale never condemning any man unheard, and his accuser face to face : many Lřes, and copies of his Lřes and rescripts of others to him intimate his great dislike of secret traducers, especially
694 when those calumnyes or aspertions | were in the generall : One of his Lřes hath thus, A false accuser hides his mallice under generall words, as I have found this man did of thee. His disposition ran nearest parallell with his two Ancestors, Thomas the first, and James the first, of any I have observed.

God grant his heires may runne
The race that hee hath done.

695 } blank
696 }

Finis Thome ejusdem nominis quinti.

The Life of Thomas the Sixth

697

The life of Thomas lord Berkeley the sixth of that name ; stiled in Writings, Thomas Berkeley kn^t. lord Berkeley Mowbray and Segrave : And was abavus, or as our Ancestors the Saxons called thirda fader, And wee at this day great grandfather, to George nowe lord Berkeley. And may bee called, Thomas the hopefull.

Contemporary with Henry the 8th, from 1532. till 1534.

Whose short life I deliver under these nine titles viz^t,

- 1.—His birth and education, fol : 697.
- 2.—His Miscellaniæ or various affaires. fol : 698.
- 3.—His lawe suites, fol : 701.
- 4.—His wives, fol : 702.
- 5.—His Iffue, fol : 705.
- 6.—His feales of Armes, fol : 706.
- 7.—His death and place of buriall, fol : 707.
- 8.—The lands whereof hee dyed feized, fol : 710.
- 9.—The application and use of his life, fol : 713.

His Birth and education.

This lord Thomas was born at Hovingham in Yorkshire in the 21th yeare of king Henry the 7th, about one yeare before his grandfather the lord Maurice the fifth dyed, And within one year after his fathers marriage with M^{rs} Ingleby ; where hee continued till his parents returned into Gloucestershire about the 7th of king Henry the 8th, as hath been said : At what time his unkle the lord Maurice the sixt, then newly made Leivtenant of the castle of Calais, carried him | beyond seas, where by his means, (accompting him as the heire apparent of his family,) hee was carefully bred up at S^t Omers in Artois, about 25 miles from Calais,

Ex relaçone
Henrici filii fui.

698

Diu'fi coñpi et
muniment in
castro de Berkeley.

Calais, till himself dyed in the 15th of that king : And then returning, was till his marriage Termly imployed as his fathers Agent and Solliciter in his Lawe suites ; And espetially about the restitution of Berkeley from the crowne, which his unkle the lord Maurice at his death left in fuch forwardnes, that his petition of right was signed by the king, as hath been noted in his life ; And as testimonies of this lords towardlines and sufficiency in those unripe years, there yet remaine in Berkeley Castle divers of his Termes remembrances of his own hand writing ; As, what suites were depending, how left at the former termes end, and in what fort to bee further profecuted, And what of new was to bee begun, and the like : And of all his Ancestors wrote the best hand, and best understood the latin tongue, whereby it seemes hee made good use of the time hee spent at S^t Omers.

His miscellania or various passages.

Carta in castro de
Berkeley.
dat. 12 Maii, 25
H. 8.

This lords father having left the manor of ffenystanton and others to the lady Cicely his second wife, for her life, as before appears ; Hee within two months after gaines from her a grant of all the lands shee held of his inheritance, for threescore years if shee lived soe longe, at the yearly rent of—142^l. 6^s. 8^d. ; whereby hee wifely wound in himself to have the managing of his own lands in possession, And this hee wrought under the advantage of his second marriage with Anne Savage, as after will appeare.

pat : 8 marcij
24 H. 8.

Smeth is in the
Saxon tongue
plaine or smooth.
699

In March, six weeks after the death of his father, hee obtained of king Henry the 8th a grant to bee Constable and Porter of the Castle of Berkeley, and keeper of the castle parke with the worthy enclosed in it, and to bee paler of the same ; And to bee keeper of Hinton woods called Chesslanger and Redwood, and of the red deere there ; And to have the fishing of Smethmore, (now excellent pasture ground,) and the fishing of the gale in Seaverne without rent, Taking the fees accustomed, which his father held for his life, as afore is written. **At** w^{ch} time, sith king Henry the 8th had been 24 years marryed to severall wives and had noe issue male, hee could not but cherish an inward expectation of a Reverter in fee of the wholl Barony of Berkeley, whereof hee now was glad to take a small morfell, at will.

Comp. 29. H. 8.
in castro de
Berkeley.
carta : dat : 20
Maij 25. H. 8. in
castro de Berkeley.

The 20th of May in the 25th of king Henry the 8th hee gave Thomas Cromwell Esq^r, then Secretary to king Henry the 8th (after Earle of Essex) 13^l. 6^s. 8^d. Annuity for his life, and then made him his high steward of Sibley, Thornby, Mountforrell, and of Goscote hundred.

And

And 4th 13th 4^d yearly to the Earle of Huntington and to Francis Hastings his son and heire, for exercising under him the office of high steward of his manor of Melton Mowbray, Segrave, Coldovton, Dalby, Thorpfachvill and Witherly. And on May day the same 25th of king Henry the 8th hee gave to David Broke of Bristoll gent, for his good service done to him, the fourth part of his manor of Brokenburrow in the parish of Almondsbury for his life at 4^d rent.

In Aprill before his death hee presented Robert Derby for Abbot of Croxton, of the order of premonstratenses, which (as the Deed speaketh) to his presentation by Inheritance belonged, then void by the death of Attercliffe late Abbot there, commanding the pryor and covent of the said monastery to receive and obey him as Abbot.

And, this shall bee the place, whither I have often referred this antient and pious family to viewe at once, the damage it suffered both in honor and profit by those devouring Acts of the dissolution of Monasteries in the 27th and 31th yeares of king Henry the 8th, whereby and by the statute of Chantries (amongst other things) this family lost the Advowsons and presentations to divers Abbeys, Nunryes, and Pryories, As this of Croxton, and of Kirkeby, and of Chawcomb, and of Burton lazers, and of St: John Baptist in Melton Mowbray in Leicestershire; Of Combe in Warrwickshire, Of St: Augustines, and of St: Katharines, and of Mary Magdalens by Bristoll, and Of Longbridge by Berkeley, and of Tinterne in Gloucestershire, Of the Pryories of Newenham and of Eppeworth in the Isle of Axholme; Of ffontaines, Of the Abbey of Byland, and of the Pryory of Newburgh in the county of Yorke, and of divers others, as scatteringly appeares in these relations, where alwayes with solemn processions and other honorable rights and ceremonies (I might say with incense and perfumes) they were received as founders, And where the memoriall of their honorable atcheivements were recorded; And of 80. knights fees at least, which those and other Ab-|byes and houses of religion held of them, as St: Peters of Glouc., the Abbot of Kingswood, the Pryor of Sempringham, the Abbot of Leicester, the Pryor of Lewes, The Pryor of Axholme, the Abbot de valle dei, the Pryor of Haverholme, the Abbot of Geroduu, [sic] the Pryor of the hospitall of St: Johns Jerusalem in England, the Pryor of Lawnd, the Pryor of Grace dièu, the Pryor of Nuneaton, the Pryor of Kirkeby, the Abbot of Sileby, the Abbot of Stonly, the Abbot of Myrivale, and of more then forty Chantries mentioned in these relations; for which, besides their daily prayers for the happyness and welfare of the livinge, (wherein was noe superstition,) they paid to this family many anuall rents and services, and also paid

Comp: 29. H. 8. i^{bm}
carta: 25. H. 8. i^{bm}
Inq: 28. H. 8. in can.
carta dat. 1. Maij 25. H. 8. in castro de Berkeley
Inq: 29. H. 8. post mortem Thomⁱ Dⁿⁱ Berkeley in Canc.
Carta: 27. Aprill 26. H. 8. in castro de Berkeley.

See before fol: [537]

Annis. 27th et. 31. H. 8.
Anno. 1. E. 6.
Claus: 52. E. 3. m. 28.
Pat: 7. E. 3. ps. 1. m: 15.
claus: 45. E. 3. m. 36.
Pat. 48. E. 3. m. 23.
Pat. 14. E. 4. ps. 2. m. 11.
Pat. 9. R. 2. ps. 2. m. 25. 26.
Esch: 11. H. 6. post mortem Thomⁱ. ducis Norfolk.
pat: 14. H. 6. ps. 700
1. m: 6.
pat. 1. E. 4. ps. 6. m. ult.
Plita in fe^a c^o. 13. H. 6.
pat. 19. R. 2. ps. 1. m: 26.
pat. 20. R. 2. ps. 2. m. 14.
pat. 20. R. 2. ps. 2. m. ult.
Esch: 1. H. 4. post mortⁱ Ducis Norfⁱ

Esch: 27. E. 1.
 et. 35. E. 3.
 et. 1. H. 4.
 et. 1. E. 4.
 post mort de
 mowbraies
 claus: 11. H. 6.
 m. 8.
 fee before in y^e
 life of Maurice y^e
 5th [615]
 And of James the
 first. fol: [537]
 Stat: 27. 31. et. 38.
 H. 8. et. 1. E. 6.

paid them releifes and escuage, did them fealty and homage, sent their men to ayd and attend them in their voyages in the warrs, yeilded them aid and contribution for the marriage of their eldest daughters, and for making their eldest sons knights; brought up, and instructed divers of their children, received and kept as Corrodies, many of their old unserviceable fervants; such as old ffrañ Inchmore and Richard Cooke ats Miller now are in the family of the lady Elizabeth Berkeley at Cranford; with other like duties incident to founders right, and to the tenures of the manors and lands and quantities of the knights fees which they held of them by knights service, and in focage, now extinct and devoured by those mercileffe Acts. **Neither** therein hath ended the damage which this noble family suffered by those acts of diffolution; for the Crown having since given and sold away not only those manors and lands holden of this family as aforefaid, but almost all the rest of those monastical possessions, and therein reserved tenures of themselves by knights service in capite; now at this day each manor and almost each freeholder in each Village hath some small pcell or other of that Capite land intermixt or inclosed with their elder possessions, formerly held of this family by knights service: whereby I have known this family within my memory to have lost more then ten thousand pounds, w^{ch} otherwise, but for those lands in cheife, had justly and legally accrued to it; A mischeife also daily increasing to this and other great lords of Seigniories, through the frequent exchanges and inclosures, (the effects of peace,) And by y^e parcelling out of Manors made by great lords upon sales to their severall ten^{ts}, for y^e better advancement of their prizes: whereby as not one wardship amongst twenty now accrueth to this family w^{ch} otherwise had happened: soe, the Court of Wards and liveryes bringeth | an hundred fold more profit to the Crown then formerly before those Statutes it did, A growing perticular mischeife likely to proceede to a generall inconvenience.

His lawe suites.

Scarce was the last lord cold under the Tombe, before an unkind controversy broke out between this lord and his only brother Maurice, about the possession of the manor of Mangottesfeild, the place where their father gave up his soule to God, and that manor to them that now contended about it.

With Maurice, his brother in lawe S^r Nicholas Poynz and his mother in law the lady Cicely tooke part, And to the uttermost of their powers abetted his cause, who made title by the expresse words of his fathers will, proved by the Judges and others his fathers executors, and approved of by the lord Thomas himself, who also was a witnes thereto, and present at his fathers death and last confirmation thereof.

But

But this gift by will this lord Thomas would not admit, for that (faith hee) the feoffment of that manor made by the lord his father to the Duke of Norfolk and others, to the use of his last will and for performance thereof, was never executed in this manor of Mangottesfeild by the exprefs inhibition of his said father; And on purpose foe to declare it hee kept Courts there in his own person and in his own name, and not in the name of the said Duke and his Co-feoffees, which was otherwise in all the rest of the manors comprized in the said feoffment; Alledging further, That his father builded upon Mangottesfeild house with the goods, knotts, trayles, carved works, and other ornaments of his, fetched from his house at Yate, which his unkle the lord Maurice gave him, to the value of two hundred marks, another manifest signe (faith this lord) that the lord his father never meant That his brother Maurice should have it, but hee whose goods had built and adorned it. And further alleadged, That whereas his father had allotted unto him in marriage with the lady Mary his wife, divers lands to the value of 100^{li} p anñ: for their maintenance, his father retained fifty marks yearly of that hundred pound by the space of three years towards the building of Mangottesfeild house, which amounteth to one hundred pounds, Another declaration of his fathers mind (faith hee) That | hee meant not that his son Maurice should have it; Also this lord Thomas alleadged further, that the manor of Mangottesfeild and the manor of Bitton doe adjoyne together, and have continued together in one mans possession many hundreds of yeares, And that there is an hill called charnell's hill parcell of the manor of Bitton, and in the bottom of the said Hill is a great square poole called charnell's poole adjoyning to Mangottesfeild hill, and in the end of the middle of the said poole his said father builded a newe mill from the ground, which is parcell of the manor of Bitton, which his brother since the death of his father hath entred into, and fished and destroyed the fish to the value of forty pound. And lastly (so farre prevailed hee) that hee caused the lady Ciceley, mother in lawe to them both, (yet shee tooke part with Maurice,) to avow That shee kept as well the Seale of Armes as the Signet of her husband by the space of five daies after his death, And in that time sealed two parts of the said will, being tripartite, (called Counterpanes,) with the said Seal of Armes. Thus, with much unbrotherly agitacon was toft that controversy till the death of this lord, what time Maurice had the possession of the house and conigre,¹ and this lord of the rest of the manor; After whose death his widowe the lady Anne in behalf of her young son the lord Henry, banded this ball of discord anewe and with more bitterness, as after followeth; Declaring thereby, that her incantations had more powerfully prevailed

702

chartulæ in
Castro de Berkeley¹ Rabbit Warren. [ED.]

prevailed with her husband then stood with the affection of a brother, or the honor of their fathers memory. Of which lady it now follows that I write, as the second of this lords wives.

His Wives.

His First Wife.

carta in castro de Berkeley.
fol: 673.
703
His first wife.
div'sa munimenta in castro de Berkeley.
div'si comp'i in castro de Berkeley.
Inqu: in com. Glouc. 29. H: 8. p^r mori Thom
Volunt: Thome de Berkeley: 24. H: 8.
original: 25. H: 8. rot: 34. in sc^acio.

That it was intended and accordingly articulated under seale That this lord should have married Katharine daughter of Thomas Howard Duke of Norfolk, and that part of the marriage portion was accordingly paid, hath been already written in the life of this lords father; But whether neernes of blood, they being cozens in the fourth degree, or the death of Katharine, or dislike either of | the parties to the other, or what else hindered the consummation of that marriage, I find not: **But** the same 17th yeare of king Henry the 8th hee tooke to wife Mary the daughter of George lord Hastings; the greatest part of whose marriage portion the lord Thomas his father in the second yeare after assigned over to S^r George Throgmerton, for payment of part of the Dowry hee gave with his daughter Mirriell Berkeley, married to his eldest son Robert, as hath been said: **And** for maintenance, this lord and his wife had one hundred pounds a yeare from his father; **By** her this lord had noe issue, though they lived lovingly together neare eight yeares; And dyed in the same 24th yeare of Henry the 8th about six weekes after this lords father; ffor whose Joynture and dower the said lord her father in lawe tooke speciall care that it might bee quietly enjoyed by her, if shee survived her husband, without the impeachment of his own wife, As by his will made but a few dayes before his death appears.

Howbeit, this lords sorrow for her death was not soe stronge or prevalent to hinder him many monthes from flying to the marriage bed of another as followes.

His Second Wife.

Stow et al.
The second wife of this lord Thomas, was Anne the daughter of S^r John Savage of ffrodsham in Cheshire knight, of whom Stowe, & others thus write; That on the 25th day of January in the 24th yeare of his raigne, king Henry the 8th privily married the lady Anne Boleine, what time M^{rs} Anne Savage bare up her traine, and was her self shortly after married to the lord Berkeley; which marriage seemes to have been contrived by the said King and Queen, or one of them.

The father of this lord dyed on the 22th of January as hath been said; The lady Mary this lords first wife dyed within less then two months after, And in Aprill following was this lords marriage with the said Anne Savage.

The

The portion which shee brought in marriage was five hundred marks in money, paiaible at certaine days after, some whereof incurred not in her husbands life time.

Carta. 21. Maij
25. H. 8. in castro
de Berkeley.

The Joynture assured by her husband in May next after mariage | were the manors of Melton Mowbray, Segrave, and Sileby in the county of Leicester; Bretby, Rostlaſton and Coton in the County of Derby; and Callowdon in the county of the City of Coventry; which was after increased with the manors of Mountforrell, Goscote hundred, and Coldoverton, And wth the thirds of the manors of Sages, Tetbury, Daglingworth, fframpton, Manygford, Aspele, Hovingham, and of the lands in Calais, assigned to her in lieu of Dower.

704
Carta p^rdicta.

Eſch: 2. 3. Ph:
et. M. in Canc.
Carta. 3. 4. Ph:
Ma^r in Caſtro de
Berkel:
Comp: 20. H. 8. in
caſtro de Berkeley.

Shee was a lady of a masculine spirit, over-powerfull with her husband, seldom at rest with her self, never wanting matter of suite or discontent to work upon, till the full age of that son which shee carryed in her womb nine weeks and fower days after the death of her husband: Shee was in the way to have proved a fruitfull lady, and to have replenished this family with males and females, whereof much scarcity hath in late discents been in the eldest line; for in the tenth month after marriage shee brought her husband as faire a daughter as lived in her time; And conceived againe the next night after her churching day, and brought a son, (of whom I am next to write,) as shee declared the time of her conception to him, and hee to mee, and as the sequell manifested to bee true, the birth being just forty weeks after, though the father lived not to see the day; Of complection shee was of a comely brown, of a middle stature, And, above all the ladies of her days, noted to bee most tender hearted to her children; And to them soe over and above reason indulgent, as not contentedly shee admitted them out of her sight, whereby they after complained of that want of Learning which a juster education should have afforded their estates and parentage; ffor whose sakes and the memoriall of her husbands love shee continued a widowe all her life: noe lady more constant to her religion, for from the instruction of her youth wherewith in the ten first years of king Henry the 8th shee was seasoned, shee never would depart; which was the cause why Queene Mary and the Clergy of her time exceedingly favoured her.

Countes of
Ormond:
L^d Henry.

The places where most shee lived after her husbands death were first at S^t Augustines green by Bristoll, then at Yate, then at Kentish Towne by London, then at the Bishop of Bangors great house in Shewelane by S^t Andrews Church in Holborne, which shee held by lease. Then againe at Yate in Gloucestershire, And lastly at Callowdon by Coventry, where shee dyed intestate in October in the sixth yeare of Queen Elizabeth, A^o 1564. then of the age of 58. yeares or neare thereabouts;

Div^rſi comp^ri
hoſpi^c in caſtro
de Berkeley.
Ex rela^cione Hen:
Dⁿi Berkeley.
Depos: in Canc:
Sub mag: Sigillo
in ca: de Berkeley.

abouts; And lyeth buried in the Church of S^t Mich^l in Coventry; who may not
 foe sleep in peace, but that I must after and often call her suites and actions into
 705 question, in | the life of the lord Henry her son, to whose time I doe transmit many
 of them, as being profecuted in his name, and concerned his inheritance.

Administ^r: dat:
 31 Jan: 7: Eliz:
 1564. sub sigillo
 in cast^r de
 Berkeley.

The administration of the goods and chattles of this lady was the 31th of
 January following committed to the lord Henry her son, who for the honor of her
 memory, paid more then her goods which came to his hands amounted unto, which
 sometmes after, for his discharge, hee pleaded.

Ex rela^çone ipius
 Henrici: et Han-
 corne et Burbage
 tunc attenden.

Anne Gastrell her
 waiting gentle-
 woman.

Country hufwifery seemed to bee an essentiall part of this ladies constitution;
 A lady, that living at Yate, Callowdon, and other her Country houses, would be-
 times in Winter and Somer mornings make her walkes to visit her stable, barnes,
 day house, pultry, fwinetroughs, and the like; Which hufwifery her daughter in lawe
 the lady Katharine Howard, wife to the lord Henry her son, seeming to decline,
 and to betake her self to the delights of youth and greatnes, shee would sometmes
 to those about her, sweare, by Gods blessed sacrament, this gay girle will begger my
 son Henry: As the lord her son, and other of her fervants have told mee: **And** if
 shee were to bee judged as Phillip de Comines doth King Lewis the 11th his master,
 That hee was a good King because hee had more vertues than vices, I would foe
 conclude of this lady: But foe much remaines to bee said of her in the life of the
 lord Henry her son as I will leave my Judgment in Sufpence.

And it might seem tedious to this family for mee to write foe largely of this
 lady as I have received from Anne Gastrell the widow of Thomas Harsfeild of
 Nibley, there living for ten years after I maryed into that towne, the neareft and
 eldest attendant about her of all this ladies gentlewomen untill her death.

His issue.

Inqu: 29. H. 8.
 in sc^açio: 1 year
 old post mori
 Thome
 Comp: Fransh
 recept 1. et 2.
 Eliz. in cast^r de
 Berkeley.

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The children which this lord Thomas had by his last wife were only two;
 Henry born nine weeks and fower dayes after his fathers death, whose life is half
 a Volume of it self; And Elizabeth then scarce three quarters old, who was in the
 first of Queen Elizabeth marryed to Thomas Butler Earle of Ormond, whom in y.
 2th of Eliz: shee followed into Ireland accompanied with her mother and brother
 from London to | Yate, thence to Bristoll, where shee tooke shipping for Ireland.

What portion the Earle had with her in marriage, I have not found; Howbeit
 having noe certainty left by her father, her brother gave her one hundred pounds
 by the yeare for many years togeather, both before and after her marriage.

Her

Her Joynture was altogeather of lands in Ireland, made in the 4th yeare of Queen Elizabeth: But afterwards shee and her husband not agreeing, An award was upon the labor of the lord Henry her brother made in the 11th of Queen Elizabeth between them, by the mediation of Thomas Howard Duke of Norfolk and of Thomas Ratcliffe Earle of Suffex, to whom their differences were referred; That shee for her present alimony and maintenance, (then being seperate from her husband meerely arising from the antipathy of their natures,) should have 90^{li} p Anñ out of her husbands lands, which was duly paid by his Receivor during her life, which ended at Bristoll in the 24th yeare of Queen Elizabeth, Anno, 1582. leaving noe issue behind her, nor for ought I could learne ever conceived by him: A lady whom the lord Henry her brother, and others of his old servants, would report to have been the fairest that lived in the Courts of Edward the sixth and of Queen Mary, and soe noted in those dayes.

Carta in castro de Berkeley.

Carta in castro de Berkeley.

His Seales.

This lords time was so short after his fathers death, And the name of Thomas one and the same to them both, As also the stile, That hee never altered either his fathers broad seale or privy Signet: Only I have observed, That on the reverse of his broad seale fixed to his last will and Testament, The privy seale or signet, (being Mowbrays Lion rampant,) is five times imprinted, one, three, and one. See the figures in his fathers life. |



His

707

His death and place of Buriall.

Inq : in Canc : I will satisfy this title with two records of Inquisitions found after the death of this lord Thomas, in one yeare in one county ; The one at Wotton Underedge the 20th of August in the 29th of king Henry the 8th, by Commiffion, in the nature of a Mandamus, the other at Marshfeild the 10th of October following, by the Escheator alone, virtute officij fui ; The first returned into the Chancery, the other into the Exchequer. The first layeth down the recoveryes had by Judge Brudnell and others against this lords unkle in Ester Terme in the 4th and . 5th of Henry the 8th of the manors of Tetbury, Daglingworth, Sages, and the rest of his lands formerly mentioned, And how this lords father dyed the 24th of Henry the 8th indebted—627^{li} 3^s 6^d,—over and besides—488^{li} 16^s 6^d.—in legacies given by his will ; And the Anuities given by him for life, whereof many are formerly mentioned ; And this lord Thomas his son dyed the 22th of September in the 26th of Henry the 8th Anno . 1534.

The second Inquisition layeth down the purchafes of Bitton and Mangottesfeild, made by the lord Maurice of M^r Dormer in the 11th of Henry the 8th ; And hee of Huffey in the 7th year of the faid kinge ; and how the faid lord Maurice purchafed the manor of Elmington of M^r William Huffey, son and heire of Margaret Blunt maryed to John Huffey, father of the faid William, by fine in Ester Terme in the 12th of Henry the 8th ; And how, when this lord Thomas dyed the 22th of September in the 26th of Henry the 8th Anno . 1534, Then Elizabeth was his daughter and heire, one yeare old ; But that Anne his wife was then with childe, who since brought forth a son called Henry, the 26th of November following. Thus these Inquisitions.

708 This lord Thomas in the first yeare of his Barony, wisely taking into consideration the debts of his father and unkle wherewith the lands discended upon him were charged ; And the Joynture and dower of the lady Cicely his mother in lawe of seaven of his manors, whereof mention hath been made in his fathers life ; And the lands also which his younger brother had for his life : And having also some scores of his own uncut out incurred in his fathers life, in those eight years of his first marriage, what time hee had but one hundred pounds p^a añ. exhibition, for the maintenance of himself his wife and family, And part of that also not well paid as before appeares ; And observing withall the many Anuities issuing | out of those lands given by his faid Ancestors and himself still in being, And of the charge of children like to grow upon him, determined to cast off for a time the popular and vaine

vaine fame of great houskeeping, and the many expences incident thereto, And to fojourne at a certaine rate, w^{ch} hee would not exceed; And doth bargaine accordingly with the Countesse of Wilshire, who then lived at Stone by Thames side, a mile from Dartford in Kent, for the lord of himself, his wife, two gentlewomen, and six men, at the rate of 25^s 4^d the weeke for them all; And soe in June in the 26th yeare of Henry the 8th sets from his house at Yate in Gloucestershire towards London, and from thence comes to Stone the 15th of the next month, where, after a short sickness, hee dyes on Satterday the 19th day of September in the said 26th yeare of the raigne of king Henry the 8th Anno. 1534. And was there buried the Teufday after, the 22th of that Sept^r, which the said Inquisitions make the day of his death, then of the age of 29 years or neare thereabouts, whereof hee had sit lord one yeare and eight months after the death of his father; And of all his ancestors had the shortest life, yet longe, by the well imployment of his life.

div'fa muniment
in castro de
Berkeley.

Liberac : Thome
dni Berkeley. 24.
H. 8. et Henrici
dni Berkeley 2. et.
3. Ph : et Ma^r.

In an accompt of one of his household officers of that time, are these words, which I best beleive and followe; *Memorandum*, paid to my lady Wilshire the 21th day of September in the 26th yeare of the raigne of King Henry the 8th in full consideration for the board of my lord Berkeley, my lady, and all their servants, unto the said twenty first of September in the said year and raigne—12^{li} 13^s 4^d—which further shewes that hee came to sojourne there the 15th of July before, himself, wife, two gentlewomen, and six men; And soe for nyne weeks till hee was buried, paid as aforesaid after—25^s 4^d the weeke.

Comp: in castro de
Berkeley et at
munimenta.

Concerning whose death and funerall are these further fragments, remaining in the accompts of his servants of that time, made to his wife the week after, which are all I have found of him.

Charges about the funeralls of my lord Berkeley the 19th day of September in the 26th yeare of Henry the 8th

ffirst to a mason for raising the foote of the herse—10^d
For making of his Chest—12^d
For half a hundred of boards—14^d
For 4 Bushells of bran to lay within the Chest—12^d
For a winding sheet—20^d |
For masses the 19th day of September at his death—3^s
For dirige the same day—2^s

709

To

A masse constantly
rated at 4^d a peece.

To the poore in Almes the fame day—12^d
To Hall and three children for bearing of torches—12^d
Itm at dirige on Thurfday 2 . preifts—8^d
Itm at dirige on Fryday 7 . preifts—4^s 8^d
Itm 5 maffes of the five wounds—20^d
Itm . 3 . maffes downe of the trentall—12^d
Itm, remaineth more of the trentall—9^s
Itm offering pence—2^s 8^d
Itm to the clarke—4^d

And in another bill thus,

A place neare
Stone by Thames
fide.

Itm for the hire of a horfe from London to Stone in Kent, to ride to my lords
month mind—16^d

And in another bill thus

Itm received of my lady on Thurfday the 17th of September in the 26th of Henry
the 8th xx^d whereof paid for a wherry for Doctor Nicholas a Phifition to Greenhithe
—2^s For the doctors cofts at Greenhith all night—6^d

I have been told from his fon the lord Henry, and by two other of this lords
fervants, That hee dyed of a furfeit of cherries ; which I beleive, though their
feafon feem gone longe before his death ; Neither is any of his ancestors found to
bee better bred nor of greater hope, who for his fweet condition and for a mind as
innocent as his years, and for his rare endowments, well deserves to bee commended
to everlafting memory, that hee may bee permanent foe much the longer in the life
of an Hiftory, by how much the thred of his naturall life was cut fhorter by the
fates.

Short was thy life, yet liv'ft thou ever,
Death has his due, yet dyeft thou never.
All well may wonder how foe youthfull years,
Could frame a life where foe much worth appears |

710

The lands whereof hee dyed seized.

The manors and lands which this lord Thomas left to difcend to Elizabeth his
only daughter and heire at his death, And after to the lord Henry his fon, borne
nine weeks and fower days after his death, were in effect the fame whereof his
father and unkle dyed feized, viz:

The

The manor of Melton Mowbray,
 The manor of Segrave,
 The manor of Sileby,
 The manor of Coldoverton,
 The manor of Mountforrell,
 called superior et inferior.
 The manor of Dalby Chawcomb,
 The manor of Thurneby,
 The manor of Thorpe Sachevill &
 Twyford,
 The manor of Witherley,
 The hundred of Goscote,
 Divers Lands in Welby ats Oleby.

In the County of Leiceſter.

The manor of Sages,
 The manor of Bitton,
 The manor of Ailmington, which was
 to Maurice his brother.
 The manor of Upton S^t Leonards,
 called Grovecourt.
 The manor of Mangottesfeild,
 The manor of Tetbury,
 The manor of Daglingworth,
 The manor of Yate, was but a leafe
 for yeares.
 The fourth part of the manor of
 Brokenburrow, in Almondsbury
 priſh,
 Divers lands and Tenements in
 Thornbury, containing - 190 - acres,
 A meſſuage and divers lands in
 Berkeley,
 Two and twenty marks rent out of
 fframpton upon Seaverne, |

In the County of Glouceſter.

The manor of ffenystanton,
 The manor of Hilton,
 The manor of Auconbury,
 The manor of Weſton,

In the County of Huntingdon.

711

The

The manor of Chatterys,
The manor of Guyherne and Murroe. } In the County of Cambridge.

The manor of Bosham with Buckfold,
The manor of Thorney,
The manor of ffuntington. } In the County of Suffex.

The manor of Bretby,
The manor of Linton,
The manor of Coton,
The manor of Rostlafton,
The manor of Repingdon, } In the County of Derby.

The manor of Hovingham, in the County of Yorke.
The manor of Maningford Bruce, in the County of Wilts.
Certaine Lands and teñts in Thorpe, and Kingfton in the County
of Nottingham.
The manor of Callowdon in the County of the City of Coventry
and Warrwicke,
Divers lands and tenements in Stivechall, by Coventry.

The manor of Aspele, in the Parish
of Tamworth.
The manor of Thurlafton,
The manor of fflekenhoe. } In the County of Warrwick.

The moities of the Lo^{ps} of Catherlagh,
Oldcroffe, and other lands. } In the Kingdome of Ireland.

Lands and Tenements in Calais of the value of—6^{li}. 13^s. 4^d of old
rent.

ffowerteen pounds p^r. Anñ out of Bromly, Lee, Gateborne, and
Scothurne, in the Counties of Lincolne and Surrey.

Origin. 2. et. 3.
Ph: et Mar.
ps. 2. rot. 73.

ffor these lands severall Inquisitions, (in all or most counties,) were found after
the death of this lord in the 28th and twenty ninth yeare of the raigne of Henry
the 8th, and in the third of king Edward the sixth; And of them Henry lord
Berkeley

Berkeley aforefaid, after hee had been one and twenty years in | ward, fued his livery in the fecond and third of Phillip and Mary : And therein were valued to him at—992^{li}. 18^s. 03^d. 712

At which time alfo reverted unto him upon the death of king Edw^d the fixth, for default of iffue male of the body of king Henry the 7th, according to the entaile of Withm Marques Berkeley, as in his life is related, thefe manors, viz:

The Caſtle and manor of Berkeley,	}	In the County of Glouceſter.
The manor of Hame,		
The manor of Appleridge,		
The manor of Slimbridge,		
The manor of Hurſt,		
The manor of Cowley,		
The manor of Alkington,		
The manor of Came,		
The manor of Wotton underedge,		
with the Advowſon,		
The manor of Symondſfall,		
The manor of Hinton,		
The manor of Erlingham.		

The manor of Portbury in the County of Somerſet.

The 4th part of the manor of Tyborne aſs

Marybone, in the County of Middleſex.

The manors of Kington magna, and Kington parva, in the County of Warrwicke.

And theſe later were valued to him at—687^{li}. 5^s.

And alſo in the ſecond yeare of Queen Elizabeth reverted unto him the manors of Kenet and Kentford in the Counties of Cambridge and Suffolk, for default of iffue male of the bodies of Richard Willoughby and Edward Willoughby, according to the entaile of Withm Marques Berkeley made to them, as in his life hath been related ; And theſe, in the livery which hee then fued, were valued at—34^{li}. 6^s. and then yielded in rent but—59^s. 4^d. more. fol: 569.

Soe all the lands for which Henry lord Berkeley fued livery m. 2.&. 3. Ph: & Mary, were valued at

li.	s.	d.
1714	= 9	= 3

And

Lib: in cur Ward :
Spec: lib: 16 Junij
2. Eliz:

And also hee further had the Manor of Weston iuxta Baldocke in the County of Hartford, recovered upon the suite in lawe from y^e patentees of king E. 6., (as after followeth in his life,) valued at 36^{li} or thereab^d |

713 The fine which the lord Henry paid upon his livery for the lands descended
Rate of his Livery from his father, was—496^{li} 9^s 1^d

The fine which hee paid for the lands reverted to him after the death of king Edward the sixth, was—343^{li} 12^s 6^d

The Application and use of his life.

The use. 1. In Berkeley Castle on a file of bills, is one for the last suite of Clothes that ever were made for this lords wearing, which hee made at Stone, the 4th of September, but fifteen dayes before hee dyed, then in the 29th of his age ; Thus,

I ^m paid for a yard and a quarter of black kerse for my lords hose,	2	„	11	^d
I ^m for two yards and a half of black fustion for a doublet for my lord,	2	„	1	
I ^m for two yards of Lininge for the same doublet,	-	-	1	„ 3
And so of the rest of the parcells. In the whole makeing and all,	9	„	7	
Sum—	9 ^s	„	07 ^d	

Which I hope the divine providence hath reserved for his posterity as an example of moderation, and to avoid excesse in this kind : Poore is the condition of that man that must from his taylor take his reputation.

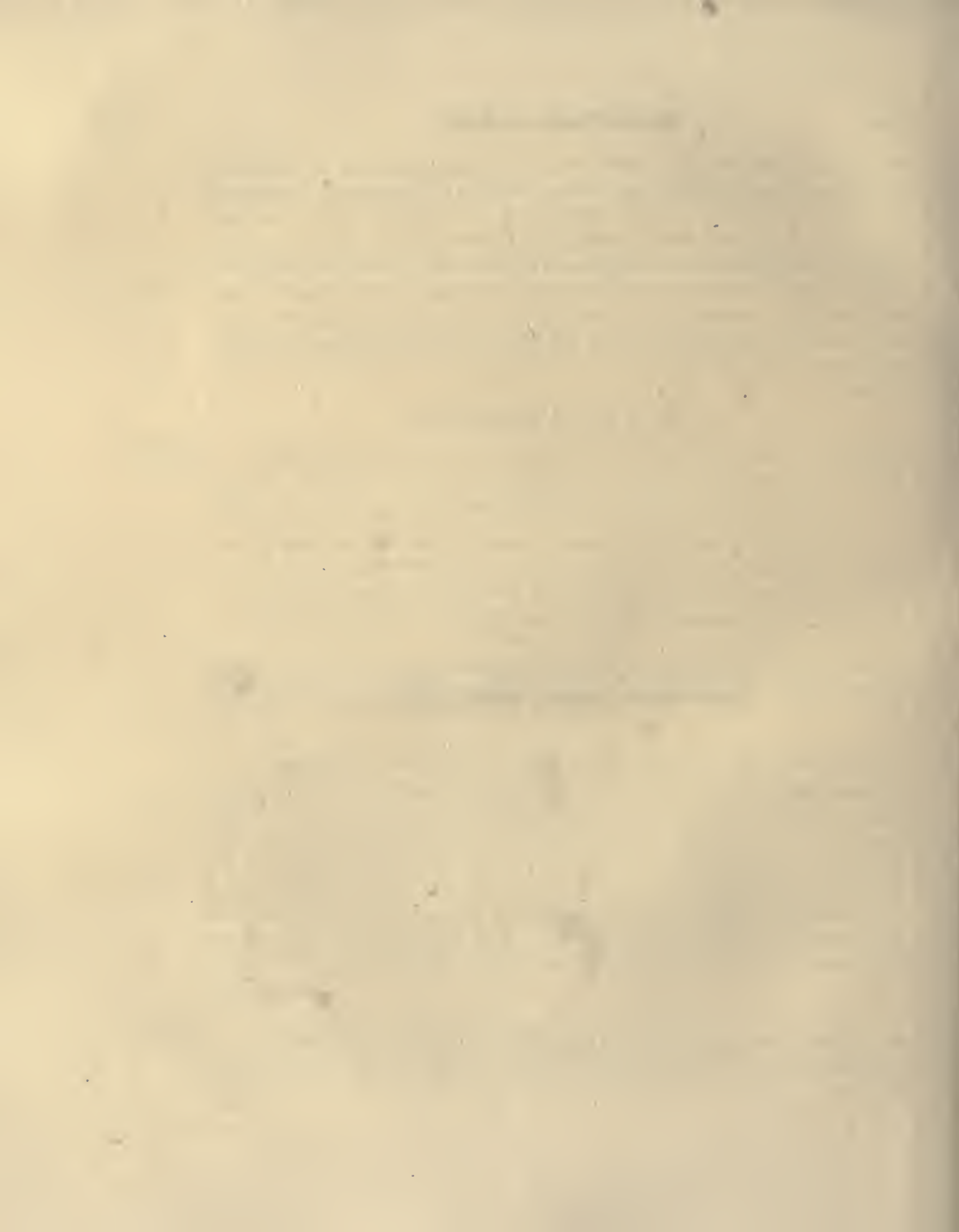
2. Again, from the short life of this lord his posterity is admonished, not to rely the everlasting affaires of their life to come upon the gliding slipperines and running streame of this uncertaine life ; Neither to sojourne longe in sinfull security, but to frame their premises as they would have the conclusion ; And by considering how the bud of this their Ancestors life was cut from the stalk before it flowered, to meditate often on the fall of their lease, for none more likely than hee to have seen the seed ripened. And to desire with this their ancestor rather a good life then a longe, non quam diù sed quam benè ; And to know with him that one day vertuously spent is to bee highlier valued then a longe life consumed in vanity and prophanenes. |

714 3. Again, when this family shall seriously consider the generous fraternity and love that alwaies floured between this lord Thomas father and his elder brother the lord

lord Maurice, whose individuall soules foe entirely comunicated their true affections each to other, that they seemed at once to bee all in all, and all, in every part of each other ; And when in the next discent this family shall as seriously consider the bitter enmity of the two sons of the said lord Thomas, this Thomas the sixth and Maurice his brother, which reconciled not till death, with the ill effects, It cannot but acknowledge, That tribulations and crosses waite and are let in as well at their doores as of inferior families : And therefore when they see but one morrowe day to bee interposed between such sweet affections and unnaturall discords, It must needs know it self still subject to the like adversities, And beare their faile thereafter.

715 }
716 } blank

Finis Thomæ, ejusdem nominis, Sexti.



The Life of Henry the First

717

The life of Henry lord Berkeley the first of that name, stiled in writings Sir Henry Berkeley knight, Lord Berkeley, Mowbray, Segrave, and Breoufe; never otherwise written from his cradle to his grave; And was Avus, or as our Ancestors the Saxons called, cald-fader, And wee at this day grandfather to George now lord Berkeley.

And may bee called Henry the harmlesse, or posthumus Henry.

Contemporary with King Henry the 8th, Kinge Edward the 6th, Queen Mary, Queen Elizabeth, and King James, from 1534 . till 1613.

The longe life of this lord Henry I deliver under these sixteen titles ;

- 1.—His birth and education, fol : 718.
- 2.—His restitution to Berkeley Castle and to the Barony of Berkeley : fol : 727.
- 3.—His lawe suites, fol : 741.
- 4.—His sale of lands, fol : 817.
- 5.—His buildings, fol : 825.
- 6.—His recreations and delights, fol : 826.
- 7.—His hospitality, fol : 828.
- 8.—His rewards to Servants, fol : 832.
- 9.—His Almes and devotions, fol : 833.
- 10.—His miscellaniæ or various passages, fol : 835.
- 11.—His Wives, fol : 849.
- 12.—His issue, fol : 863.
- 13.—His seales of Armes, fol : 875.
- 14.—His death and place of buriall, fol : 876.
- 15.—The lands whereof hee dyed feized, fol : 882.
- 16.—The application and use of his life, fol : 883. |

His

718

His Birth and education.

Comp. minist. 14.
 Eliz :
 pat. 1 Sept. 34
 H. 8.
 Mich. rec. 14 Eliz :
 rot. 72. cū rem
 thesaur in Sc^acio.

How piously the grandfather of this lord Henry left his life at Mangottesfeild in the 24th of king Henry the 8th, and peace (as hee supposed) between his two sons Thomas and Maurice ; how his eldest son Thomas, this lords father, endeavored to wrest that manor of Mangottesfeild from the said Maurice his younger brother, and how the said Thomas dyed within two years after at Stone in Kent, in the 26th of that king in the midst of that catching contention ; leaving Elizabeth a sucking infant not one year old, his daughter and heire ; And the lady Anne great with child, delivered of this lord Henry nyne weekes and fower days after his death, To whom king Henry the eighth that gave his name was godfather; hath in part already been declared.

It hath also formerly been written in the life of the said lord Thomas the 5th, this lords grandfather, how by his Will hee gave to the said Maurice his second son, (amongst other lands,) the Manors of Dalby in Leicestershire for his life in present possession, And also the manor of Mountforrell in the same county for his life also, after his will should bee performed ;

Inqu : 28. H. 8.
 post mort. Thome
 in Cancell.

Now after the death of the lord Thomas her husband, It was by the procurement of this lady Anne found by Inquisition, That her husband dyed seized of the said manors of Dalby and Mountforrell, and also of the manor of Thorpe Sachevill in the same County ; which the said Maurice conceived to bee to his double prejudice, espetially this lord Henry son and heire of the said Thomas being then in minority and the kings ward : first because Thorpe Sachvill is part of his manor of Dalby, which now is taken from him under the pretence of being a Manor of it self ; secondly, because by the said Inquisition the king is intituled presently to those two Manors of his : **Whereas** Dalby should presently bee to him in possⁿion, And Mountforrell also after his fathers will performed : Hereupon Maurice tenders his plea in Chancery in nature of a traverse, to avoid this part of the Inquisition foe unjustly found by meanes of this lady Anne his sister in lawe, who loved him not ; whereupon issue is joyned between Maurice and the kings Atturney generall tryable by Jury, urged and defended by this lady Anne, in behalf of her self and her son Henry the Kings ward.

Plita in Can^c.
 octabis martin
 28. H. 8.

The

The Lady on the contrary maintained, That Thorpe Sachvill was noe part of Dalby manor, but a Manor of it self, with a court baron | and a Leete yearly kept there; **And** also, that the tenants of Dalby never attuned to the feoffees, whereby Maurice could have noe estate in that Manor from his father. **And** also, that there is both great Dalby and litle Dalby in that County, And in the feoffment which passed by tre of Attorney it is not expressed whether was meant unto him by his father great Dalby or litle Dalby. **And** also that Henry her son was heir in taile to that manor, which Maurice claimed by vertue of a fine levied by Maurice Berkeley his grandfather to himself and Ifable his wife, and to the heires males of their two bodies.

Breviats in
Berkeley Castle.
719

Fine: 10. H. 7.
in banco.

Against Maurice also, for Mangottesfeild manor, shee alleadged, That her husband was seized of all that manor save the house and the Conigre, and thereof dyed seized, And so her son (the kings ward) was in by descent from his father: **Against** Maurice also, for the manor of Elmington given him likewise by his fathers will and to the heirs males of his body, shee alleadged, That that gift was to him by a first Will, which by making of a second was revoked: And that after the feoffment made by the said lord Thomas his father to the use of his will, hee made a Lease for lives of the manor place demesnes and Tenements, reserving a rent to him and his heires, with a clause of distress for nonpayment; Which rent must resort to Henry her son; **Thus** this lady Anne drew into suite and question whatsoever lands this younger brother Maurice had in any County.

And because her masculine spirit would beare noe coales at Maurices hands, whereas hee and his company had not longe before endamaged her husband in spoiling of Mangottesfeild poole and the Mill there, whereof hee had gotten the possession, as hath also been said; shee incited James Berkeley of Bradley by Wotton, John Berkeley and Brice Berkeley his two sons, and thirty others who by her means they brought with them, the 12th of June in the 26th of Henry the 8th, immediately after her husbands departure from Yate towards London, to reenter againe upon the said Mill and poole, and riotously to break down the head thereof, And from thence to carry away tench and breames to the value of forty shillings: For which fact by the pursuite of the said Maurice, they were shortly after indicted and fined. **Which** riotous deed the malice of the said lady borne to Maurice soe well approved, That (her husband dying the 19th of September following,) shee the 28th of the next month, by an ample patent made the said James Berkeley her Receivour, Surveyor, Auditor, and Woodward, of all her manors and lands in the

Carta in castro de
Berkeley.

Counties

- 720 Counties of Derby, Leicester, Huntington, and Gloucester, which shee | either had in joynture or by lease from the lady Cicely as Administratrix to her husband, as a reward for his faid riotous fact.

And this is that Brice Berkeley whose daughter and heire Elizabeth was after maryed to Edward Berkeley son and heire of this Maurice, as formerly hath been written.

Pat : 1 Sept. 34.
H. 8.

Mich : rec : 14.
Eliz. rot. 72. in
sc^acio cum : rem :
thesaurⁱ

Comp : minis. 14.
Eliz : in Sc^acio.

Carta dat : 2.
Januar : 26. H. 8.
in castro de
Berkeley.

And for the wardship of this lord Henry, It was first granted by Henry the 8th to Robert Earle of Suffex his Chamberlen, with the exhibition of— 14th 6th 8^d issuing out of fframpton upon Seaverne, and after by him assigned to this lady Anne.

It now followeth to declare, that forthwith after her husbands funerall the faid lady Anne came to live at S^t Augustines greene, and from thence returned to her house at Yate ; And in the meane time, within one week after her churching, the more to increafe the flame of the former fire (which by her addition of fuell had too much flamed between the two brothers,) shee wound in one Alexander Dowle of Thornbury, son of Walter, son of Thomas and of Alice his wife, daughter and heire of one Phillpot and of Alice his wife, to sell unto her in fee simple for twenty pounds in money a messuage and threescore acres of Land in Acton Ilger, which was wrongfully with power and force held from him by Giles Poyntz, (brother of Sir Nicholas,) And that hee being a poore man and not able to sue in the kings Courts for the same against the faid Giles, did therefore sell his right and title to the faid lady and her heirs ; Thus the Deed speakes.

Ex rela^one H:
dⁿⁱ Berkeley et
diū. a^t.

Now whilst these and other suites travelled up and down Westm^r hall, Maurice on the other part, accompanied with his brother in law Nicholas Poynz, and the faid Giles Poynz his brother, to work like despite to this lady, They one night specially, (as often they did the like,) with a riotous company of their fervants and others, entred her parke at Yate, and having havoked her deere at pleasure sware amongst themselves, they would, to fret and damage her the more, set the great hay ricke on fire ; meaning a great ricke of hay for winter provision inclosed with a high pale at the stable end adjoyning to the house, wishing the fire might catch the house and burne the lady with her werish boy in the midst of it, And then, Maurice (quoth Giles Poynz) thou shalt bee heire, and wee have an end of all our futes.

721

It chanced at the same time another company of Hunters to bee | in the same parke stealing also of this ladies deere ; who perceiving a stronger pack of theeves then

then themselves to bee in place, and better provided, had drawn themselves secretly to shelter under the said hay ricke, where closely standing and hearing what was said and determined, and fearing either to bee descried or burned, presently ran away and fled; which being perceived by Maurice and his company, and by them thought to bee of the ladies family, and such as shee and her keepers had drawn together, They also, as loth to be descryed or taken, fled as fast another way; And foe by this chance was a great danger prevented, And Maurice and his company by the other company peached, and a Starchamber suite commenced. **This**, this noble lord Henry hath merily related unto mee, with many the like passages in those times by his unkind uncle Maurice, and his said brother in lawe; wherewith I might blot more leaves of paper and tell this family of divers of their strange actions, not (I think) before practised since the lawles daies of Robinhood; the remembrance of many whereof are yet of fresh memory in those parts.

In March the yeare after in the 29th of King Henry the 8th, Sir Nicholas Poynz afore said, John Butler, Edward Arden, Thomas Tovy, and others of his company, in a lewd riotous manner brake down the wall and head of Mangottesfeild poole afore said, which was now the said ladies, and destroyed the mill of late there built, and took and spoiled the fish and fry therein, to her very great damage, and the little profit of themselves; which was the third attempt upon this mill and poole; for which riotous fact, this lady Anne exhibits another bill in the Starchamber; And sending her man Thomas Stephens to serve the defendants with proces, the said Arden and others foundly beat him, for which battery and contempt of Justice, another newe suite was likewise raised and prosecuted.

Sir Nicholas Poynz and Maurice Berkeley being strictly pressed with the suits of this lady, for the riot committed upon the said mill and poole, somewhat to give colour to their fact, procured an Inquisition to bee privately found at Wotton by the Escheator, virtute officij, in the 30th yeare of king Henry the 8th, declaring how Henry the 8th in the 24th of his raigne leased the Manor and Hundred of Barton to his father S^r Anthony Poynz for one and twenty years, whose executor hee was; And that the watercourse running between the manor and | hundred of Barton and the manor of Bitton was estopped by Thomas lord Berkeley the fifth of that name, when he new built that mill, And thereupon had overflowed two acres of ground, one of the manor of Barton, the other of the manor of Bitton, which is now called Mangottesfeild poole ats Charnells poole, which Anne lady Berkeley now holds, but by what title they of the Jury say they know not: This presentment the lady traversed,

Inq: 30. H. 8.
in sc^acio.

traverfed, And hereupon fo many bills in divers Courts, Indictments and other Suites, were multiplyed between them, That at laft the faid lady to give fome eafe to her felf, fled to her old mafter king Henry the 8th, who granted her a fpeciall Comiffion under the great feale, to enquire heare and determine thefe riots and other mifdemeyors, and made her one of the Comiffioners, and of the Quorum; Whereupon fhee came to Glouc., and there fate on the Bench in the publique Seffions hall, impanelled a Jury, received Evidence, found S^r Nicholas Poynz and Maurice Berkeley and their fellowes guilty of divers riotts and diforders, and fyned them; And hence it is, that the comon people in thofe parts of Yate and Mangottfeild will with fome ftifnefs of opinion to this day, to the honor of this lady, (as they fuppofe,) maintaine that fhee was a Juftice of peace, and in the Comiffion of the peace, and fate with them upon the bench, But I have not otherwife obferved it, then as aforefaid.

I will not further weary this noble family with more of the braules and jarrs between thefe two families; I come to the end they tooke for the time; S^r Nicholas Poynz for two hundred markes, in the fecond and third years of Phillip and Mary, fold to this lord Henry the patent hee had from the Crown of the Rangership and keeping of Kingswood fforeft, which his Anceftors Anthony and ffrancis before had held, And which Maurice lord Berkeley the Sixth, before them had alfo held; for payment of which money the faid lady Anne became bound with her fon as a fuerty; And the next yeare this S^r Nicholas, leaving another S^r Nicholas his fon to fucceed him, dyed; the faid Maurice Berkeley his brother being dead before.

Soe troubled was this lady Anne with thefe diffentions at home, that fhee fuffered this lord her fon to fustaine losfe of treble more moment abroad; for whereas by difcent of inheritance hee had the one moiety of the feignories and lordships of Catherlagh, Oldcroffe, and divers other Manors and lands in the County of Wexford, (yea two baronies,) in Ireland, as a copercener with Thomas then Duke of Norfolk, A parliament was holden for that kingdome at Dublyn, the firft of May in the 28th of king Henry the 8th, whereat all lords and owners of lands were, by a law then made, under forfeiture enjoyned by a fhort day to come and inhabite upon them, whereby this lord became difinherited.

Of the Juftice of this act I will not fpeake, becaufe it was grounded upon reason of State, as affaires then flood; But, as to the lord Henry, then but feaventeen monthes old and the kings ward, and his whole lands under the kings rule and protection,

Carta in caftro de Berkeley.

Escheat: 13. H. 4.
post mort: Tho:
Mowbray Com:
Maresc.

723

Diverfa muni-
menta in caftro
de Berkel:

Diu'fi com'pi inter
record et supervis:
Tho. Jenifon, et
Dñæ Eliz: nuper
regine.

protection, and of his Courts, in respect of his minority, it seemeth hard, and with some unreasonable; And the more because the Crown then seized upon them, and longe time after let them for yearly rents paid into the Exchequer there, untill king James sold them away in fee simple. tempore Jacobi.

Neither would I have this family ignorant, that many times and some messengers in the life of this lord Henry after his full age, and the marriage of his sister with the Earle of Ormond, were sent to him about these lands; But what through the Jarre that fell between that Earle and his wife, and of the suits that continued between Queen Elizabeth and this lord Henry, and with her potent favorites and patentees, till her end, and for seven years after her dayes, and for many other troubles that pressed hard upon this lords estate, as also through his own indisposition for Court suites, nothing was effected or brought to any apparent forwardnes for ought I have understood: Since his death I remember the new Earle of Thomond had twice speeches with the lady Elizabeth Berkeley mother and gardian of his grandchild and heire touching these lands, whereof I think hee hath part, and of the act that did disinherite this lord Henry; And after wrote to her about a search to be made amongst this lords evidences, but I knowe hee obtained nothing to the prejudice of her son the lord George; To whom I can leave noe other hope herein, then that the Crowns injustice, (if I may use foe harsh a word,) to his imediate Ancestor, may be the ground for some future suite from his Ma^{tie}

Anno: 14. Jaco:
et. 16. Jacobi.

Isable lady Berkeley, widow, having by her first husbands conveyance an Estate in the manor of Callowdon for her life, And the revercōn after her death to Maurice lord Berkeley her son in fee, joyne in a lease in the 5th year of king Henry the 8th of the said Manor, to Thomas Try their Cosen and servant, (often before mentioned,) for his life, paying for the life time of the said lady—33^{li}. 18^s. 4^d. And after her death less by twenty pounds a year to the said Maurice and his heires; which lease, the said lord Maurice enjoined his heire by his will, should be quietly enjoyed; After that ladies death the said Maurice in the 12th yeare of king Henry the 8th, not only confirmed that former lease made by his mother and himself, but granted twelve years more to the said Thomas Try, to be accompted from his death, in recompence of the great charges hee had been at, and the many good and faithfull services hee had done to him, at the seidges of Tirwin and Tournay, and other places; Thomas Try dies at Callowdon the Tenth of february in the 36th of king Henry the 8th; This Manor being part of this lady Annes Joynture, shee comes now to take possession, but is kept out by Walter Horton Esq^r, in behalf of his

finis: 10. H. 7. in
banco.

Carta. 5. H. 8. in
cast^r de Berkel:

Co^m.pleas: Pasch:
38. H. 8. rot. 448.

724

carta. 12. H. 8. in
castro de Berkeley.

Pleadings in Canc.
36. et. 37. H. 8.

Pasch: 38. H. 8.
rot. 448. in Common
pleas.

his mother the widow and executrix of Thomas Try, by colour of the twelve years granted by this later lease; This lease the said lady Anne accuseth to bee forged, And exhibits her bill against them in Chancery; they answere, Witnesse farre and neare are fetched and examined, and amongst others one Gerrard Try a Soldier from Bullen, a base son of the said Thomas Tryes; And the cause coming to hearing was sent to bee tried by action at common lawe, which by extraordinary labour and means passed with the said lady; And so after two years and a half Strugling, shee obtained the possession and overthrew that lease, I will not say unjustly: But knowingly, I may say, favour and freinds much helped and prevailed; And in that space many forcible entries and riotous assaults were made, a part of the mote about that house filled up with faggotts, and shee assaulted by the said lady, howbeit kept out both of the house and the greatest part of the Manor till tryall: After which the lady Anne to fortify her recovery sues out a speciall Comission in the nature of a Mandamus, to enquire what lands in the County of the City of Coventry her husband dyed seized of; Whereupon an Inquisition was taken before Bradshawe the kings Atturney generall and others, by jury, in the 3th yeare of king Edward the sixth, who found the said first lease, and as much more speciall matter as would befreind the said lady: All which, besides the records which speake at large, I have had from the relation of old Robert Burbage father of Thomas the now bayly of Gosfote hundred, then servant to the said lady, and many years after to this lord Henry her son, and imployed in this service, with many other passages by mee omitted.

carta in castro de
Berkeley.

725

This Thomas Try purchased an house and certain lands in Binly by Callowdon, (wherein John Prowtinge and Hugh ffowler, two of this lords servants, of late dwelt,) And by his will left the inheritance of it to the said Gerrard his base son, formerly mentioned, then at Bullen, | who having deposed most advantageously in the former suites for the f^d lady, lost him the love of his said mother in lawe and of her son M^r Horton; And also kindled in them a desire to doe him any mischeife; And on the other part, the hatred the lady carried to the memory of his father Thomas Try for forginge the said lease, as shee affirmed, (but untruly,) caused her to cast injustice upon him his base son; for, having now the possession of Callowdon shee seized upon this house and lands at Binly as parcell thereof, under colour that they were by one and the same man longe occupied together; Gerard Try comes from beyond seas, and petitions this lady for his right, but is rejected: Hee seeks to the Bishop of Ely, then lord Chancellor, by petition, who refers him to the lady againe, especially charging him that hee should bee at quietnes with that good lady,
(for

(for such were his words;) whereupon hee went with his writings to Kentish Town by London, where at this begining of Queen Maryes raigne shee often lay with this lord her son, And telling her what the lord Chancellor had said, and the cause thereupon of his coming, hee declared to her his right to the land in Binly out of his evidence, which (as hee accuseth her) shee craftily catcheth up, and kept referring him to come to her to Callowdon where shee should bee fattisfied; Thither shee repaires, and thither hee follows in lent after, where hee found her with Bishop Bond, that kept with her there that lent: Hee importunes, shee denies, And in the end giving him 20^d to beare his charges becaufe hee was come thither by her appointment, shee bids him begone, and trouble her noe more, for the land shee would have, or by Gods blessed Sacrament, (that was ever her oath,) shee would make him burne a fagott: And another time, upon his further importunity, shee charged him to bee quiet, or (swearing the like oath,) she would cause him to bee burned for his religion.

Gerrard packs againe to Bullen, and with the change of religion turns preist, and presently after the ladies death getts into possession of the said house, but by force; whom this lord Henry indicts at Warwicke Sessions upon the statute of the 8th of king Henry the 6th, of forcible entries: But hee (having his right favoured) avoids restitution of the possession. This lord thereupon brings his ejectione firmæ, whereupon issue is joyned whether this house and lands bee the freehold of this lord or of the said Gerrard: This suite being miscarried, this lord repaireth it by another, wherein hee prevaieth not; Gerrard now poorly beneficed at Childewickham in the said county, holding these multiplicity of suites for vexations, delivers a writing of his own hand writing to the proper hands of this lord Henry, wherein, (besides his laying down all the former passages,) hee plainly adviseth him not to enrich himself with wrongfull gotten goods, least it consume the rest of all his substance; for confirmation whereof hee vouches to him five texts of Scripture, (not unaptly applied,) And tells him as plainly, That his father Tryes labour care and diligence redeemed to his Ancestors and him better than 1700 markes a yeare; And that hee himselfe came from Bullen to testify for his lordships mother in the title of Callowdon, whereby hee lost his mother in lawe, and M^r Horton her son; And was by them thrice maimed and hurt for answering of matters on her La^{re} side, (hee means, I think, in the assaults given about the possession of the house,) who promised him fourty pounds by the yeare for those services, but never had penny of her, but in the end was forced to get over againe to Bullen.

10 Eliz :

Pasch: 10 : Eliz.
Rot: 238. in banco
regis.Triū. 12. Eliz :
Rot : 430. iñm.Manusc^r: in castro
de Berkeley.
726Hee meanes the
severall restitu-
tions temp : H. 7.
& H. 8. vide fols :
[613, 674]

Co

carta dat : 28
Maij. Anno. 20.
Jacobi.

To bee short, Gerrard had good title but this lord had now the possession and was powerfull ; Gerrard upon composition releaseth all his right and title, And in recompence had from this lord an Yearly Anuity of fourty shillings duringe life, and competent sum of money in hand : **This** is that house and land of late sold in fee to Edward Woodward and Henry Lucas, to the use of the countes of Bedford, and by her and them to the lady Craven of London by the lady Elizabeth mother and guardian of the lord George, for two hundred pounds, with whom hee joyned in a fyne in his minority : And thus is this ill got peece slipt from the rest, before the full age of the third heire.

Exodus. 1. v. 8.
Acts: 7. v. 18.

It's noe unapt digression in this place to say, That its easy to find a staffe wherewith to beat a dogge : when a new Pharoee arose that knew not Joseph, it was easy to quarrell at the multiplication of his and of his fathers posterities : Howbeit Moses, from God, had told all generations of Josephs deservings towards Pharoees forefathers, and of their ill requitall of Josephs posterity : **A**nd the story of this Thomas Try, droppingly by mee delivered as occasion required, in fower of the former lords lives, hath sufficiently assured this family of his great services to each of them in their successive generations. And now by the cominge of this lady Anne, who knew him not, as shee ought to have done, his reward for those services is quarrelled, and his fidelity and reputation wounded after his death, I may say, unjustly overthrowne : A fortune which I wish none other servant to this noble family may, without worse deserving ever find.

727
Carta in castro de
Berkeley.

At this time, in the fourth of Q[u]eene Mary, Anno 1556, Cardinall | Poole out of his Apostolicall authority and Legateship from the Bishop of Rome, absolved this lord Henry from all dangers of Excommunications, which in the late time of Schisme in England hee had incurred : And granted to him the faculty to use his Chappell in his manor of Callowdon, as of ancient time before the schisme his Ancestors had used the same : And to have there a portible Altar to say masse, to receive the body and blood of Christ, and to keep the same in a box covered with a faire findon or Linen cloth, with candle burning before it.

Carta in castro de
Berkeley.

And by another instrument at the same time, the said Cardinall by like Authority, grants to this lord Henry to have all the Tithes to his said Chapple of Callowdon, which heretofore were granted by Pope Gregory ; And which since have been accustomed to bee paid thereto untill the late most pernicious schisme in England happened, what time the grant of the said Pope was lost, which the
Cardinall

Cardinall doth now by his said Apostolicall authority and legateship, repaire, renewe and restore.

His restitution to Berkeley Castle, and to the Barony of Berkeley.

Thus have I brought this lord and his active mother to the death of king Edward the sixth and entrance of Queen Mary, and him to the 19th yeare of his age; At which time such accidents fell together upon this family, as I shall seeme to those that read parcelwise and by broken houres, to relate them somewhat out of order.

I have not only in the life of William Marques Berkeley, but upon occasions almost in each lords life since him, touched in what sort that Marques for default of issue of his own body, entailed the greatest part of his Inheritance upon king Henry the 7th, and the heires males of his body, And for default of such issue male, the same to returne againe to his own right heires; And how the said Marques dyed in the 7th yeare of that kings raigne without any issue of his body, And how that king entred thereupon, and was seized, and tooke the profits accordingly.

I have also related in what sort Maurice the Marques brother and heire | and 728 Maurice his son were afterwards restored to part, and regained other parts of those possessions; Insomuch as of all those manors so by the Marques entailed upon king Henry the 7th, none remained in the Crown upon the death of king Edward the sixth, (the last of that kings issue male,) save the Castle, Manor, and Hundred of Berkeley, the manors of Hame, Appleridge, Alkington, Came, Hinton, Cowley, Wotton underedge, Simondsfall, Erlingham, Slimbridge, and Hurst, in the County of Glouc., And the hundred and manors of Portbury and Porteshead in the County of Somersfet, And the manor of Kington in the County of Warrwick: As for the manor of Weston iuxta Baldocke in Hartfordshire, which was granted away in fee by king Edward the sixth in the first of his raigne, it hath (as the case deserveth) a memoriall by it selfe.

I have also shewed how at the death of king Edward the sixth, this lord Henry was within age, and in ward to the king for his manors of Tetbury, Bitton, and other manors in divers Counties, which descended upon him by the death of the lord Thomas his father, holden by knights service in capite; whereupon arose a case of rarity and intricacy, which that venerable Judge of the Common pleas, the lord James Dyer in his booke thus reporteth.

William

Dyer. Triñ
Term. 1. Mař.
fol: 102.

William Marques Berkeley levyed a fine of the manor of Berkeley to one Logge, come ceo que il avoit de son done, by which fine Logge rendred the said Manor to the Marques and to the heires of his body, the remainder to King Henry the 7th and to the heires males of his body, The remainder to the right heires of the Marques: That the Marques enters into the said manor and dies without issue, After whose death Henry the 7th enters, and was feized in taile, and dies; And the same discended to Henry the 8th, and from him to Edward the sixth, who enters and dies without issue: By reason whereof the remainder came to Henry lord Berkeley as Cozen and heire of the Marques, being within age and in Ward to Queen Mary: And that the said manor of Berkeley was holden by knights service in Capite; whereupon (saith Dyer) the question arose, Whether the said manor should bee in Ward to the Queen or not, by reason that the Seignory was suspended in Edward the sixth at his death; And at last (saith hee) it was resolved by the judges, That the Queen should have the wardship of the said manor, not by her prerogative because other his lands were holden in Capite, but by reason of the tenure which is revived by the death of Edward the sixth in the person of the Queen: And it ought to have escheated to her for want of heires of the Marques; Therefore (saith hee) the fee simple was in consideratione legis. Thus Dyer. |

729

Pr: Seale: Dat:
8: Sept: 1. et. 2.
Ph. et Mař.

Pat: 11: Dec: 1.
et. 2. Ph. et Mař.

But to take away all scruples whether the Queen should have the profits of these manors thus reverted during the lord Henries minority or not, Shee the 8th of September in the second year of her raigne, awarded her privy seale, reciting therein the said case, and the doubt in lawe arising thereupon; And to take away that doubt doth command the master and officers of her courts of Wards to passe a spetiall livery of all the said Manors to this lord Henry, though hee bee not yet come to his full age: By which grace, clemency, and pittie, (for soe are Queen Maries words,) hee gained two whole years rents and more of these manors, as not coming to his full age till November in the third of her raigne.

Ind: dat: 6. Dec:
1. et. 2. Ph: et
Mariae.

Lib. sub: sigillo
dat. 11. Dec. 1. et
2. Ph. et. Mariae.
Idem sub privato
sigillo de dat pđ.

And for the more certainty of what manors and lands this lord was thus to sue livery and to take benefit by the said privy seale, hee in December following exhibited a perticular note of the names and values of each manor and lands as were to him reverted after the death of king Edward the sixth, and whereof hee meant to sue livery; which were not only the manors formerly mentioned in the Counties of Glouc: Somerset, and Warwicke, but also this lady Anne and her sollicitors ignorantly cast into the same livery the fourth part of the moitie of the manor of Tiborne ats Maribone in the County of Middlesex, whereof noe benefit could bee taken,

taken, for that Maurice the fifth after restitution thereto had, amongst others, sold it away to the lord Burgeveny, as in his life hath been declared.

And in this livery, which is inrolled in six Offices or places of record, is laid down all the Marques Berkeleys fines assurances and estates by him created, as before hath been related; And how by the death of king Edward the sixth the said Castle Hundreds and Manors reverted to this lord Henry as right heire to the said Marques, which also Queene Maries Attorney generall, by the advice of the Judges of both benches, confessed to bee true. **And** thus entreth the lord Henry upon these possessions, being the whole lands of his Barony of Berkeley and more, whereof none of his fower last Ancestors had any possession, but had rested in the Crown for 61. yeares, 4. months, and 20. dayes; And which then were of the value of—687. 5^s p Anñ, in old rent, not accounting the Parks and Chaces therein. **And** the more to fortifie his new gotten possessions, this lord had also a pardon and a release the 22th of February in the said third yeare of Queen Maryes raigne. |

Mich: rec: 1. Mar.
rot: 50. in sc^acio.
Orig. 2. ps. 1. et
2. Ph. et Ma^r: rot.
68. in sc^acio.
Orig. 2. ps. 2. & 3.
Ph: et Ma^r: rot.
73. in sc^acio.
Mich. 4. 5. Ph. et
Mar: cum Audi-
to^r bis.
Pasch: 1. Eliz. ro^t
36 in sc^acio

Pat. dat. 22: feb:
2 et 3. Ph et Ma^r.

And the 8th of January in the 4th of her raigne the said Queene, having recited fower of the old charters and grants of this Barony, as well of the lands as liberties, made by her progenitors, king Henry the second, Richard the first, king John, and Edward the third, (formerly by mee mentioned,) doth for her and her successors, for 33^s 4^d fine, grant and confirme the same to this lord Henry and his heires: And by her other Charter of the same date confirmed likewise to him and his heires many of the old charters and grants of free warren within his demesne lands of Berkeley and all the herneffe nookes or corners thereof: And in Portbury and Portelhead in the County of Somersfet.

730
2: Cartæ dat: 8.
Jan: 3. & 4. Ph.
et Ma^r: in cast^r
de Berkel:

But whereas this lady Anne and her agents in behalfe of this lord her son covenanted with the Master and surveyor of the Court of Wards, not only to sue livery of the forementioned Barony and of the manors and lands in the Counties of Gloucester and Somersfet, which was well; But also of divers other lands in the counties of Suffex, Surrey, and Middlesex, (indeed the self same whereof Maurice the Marques brother had restitution in the time of Henry the 7th, And which hee shortly after aliened, as in his life appeareth,) It was a second grosse ignorance in them all, for which this lords purse smarted—220^{li}.

Ind: 20: Nov. 1.
et. 2. Ph. et Ma^r.

Before I close up these passages, I must, though with some sorrow, recount to this noble family, That at such time as this lord was restored to these manors and lands

lands by Queen Mary, That title whereby this lord after lost a great part of them was also in her by the Attainder of John Dudley Duke of Northumberland ; which whether then perceived by this lords Councell, or out of their general providence to make all safe and sure, with knowledge thereof in particular, I know not ; but certainly they earnestly advised this lady Anne and this lord her son to take them from the Queen, not by way of restitution, which was the longer way and more chargeable, but as of her gift by *dedi et concessi*, and with the usuall words in all such grants, of *ex spetiali gracia, certa scientia, et mero motu*, which was much shorter in time, labor and pleadings, more safe and lesse chargeable ; whereto Queen Mary her self also more inclined, aswell to enlarge her grace and favour the more amply to this lady Anne and this lord her son, As to oblige this lord the more

731 strictly to her service : But this lady Anne who then ruled all the |roft, (this lord her son then under one and twenty, unexperienced, indulgently fostered, thinking on nothing but the delights of Youth,) would by noe persuation assent thereto, out of a covetous purpose which shee had to avoid divers leases made of those lands by king Henry the 8th, and Edward the sixth, which, as shee was told by Counsell, were determined in lawe with the Crowns remainder ; As both this lord himself, (out of greife for that grosse oversight of his willfull mother,) hath told mee, and as I have heard from old M^r Thomas Denis of Gloucester at that time Sollicitor in these buisineses, and from divers others, and as the sequell of her proceedings convinceth to bee too true : And therefore I may heare throw in the face of her memory those evils which this family suffered by that her womanish wilfullnesse, to the expence of above fifty thousand pounds, as the residue of this lord Henrys life, his sales of land, and other troubles, (nay all his troubles,) hence occasioned and arising, will manifest to bee true, whereof I will not forget upon the clofe of them, (for examples

fol : 793. fake to posterity,) to give her a second reproofe by the double accusation of this lord her son.

This lord Henry thus by way of restitution in possession of the said Castle Hundreds. and Manors, A generall veiwe, by vertue of his Comision directed to Hugh Denis and others, was taken the same yeare, declareing the estates that each tenant had in each part of the said Manors lands and liberties, in the Counties of Gloucester, Somerfet, and Warwicke, soe reverted upon the death of king Edward the sixth, either by Copy, or by Indenture or at will, and digested into a folio booke, called Shellitoes booke, remaining to this day in Berkeley Castle ; which paines of theirs, though not great, was largely rewarded to each one of them with one or more of the best of those estates ; Howbeit in some of those officers this humor

abounded,

abounded, that much desired more, And some of the old tenants must bee thrust out of their best leafes, made by kinge Henry the 8th and king Edward the sixth, before their covetousnes could creepe in, under colour and pretext That their estates for years or lives were in lawe determined with the Crowns remainder by y^e death of Edward the sixth without issue male, as hath been said : Six of those tenants (whereof fower had the Surnames of Trotmans) |spying the net, Joyntly fly by their petition to the feete of that mercifull lady Queen Mary ; whereupon shee addresseth her tre to the lord Henry, subscribed with her own hand, telling him that shee marvelled that hee would soe slenderly waigh the validity of her fathers and brothers leafes, considering that hee soe lately enjoyed the inheritance of the said lands by her liberality and favour, And therefore shee being moved in conscience with the piteous complaint of the said poore men, required him to permit them quietly to enjoy their said lands according to the grants of her father and brother, And to doe such Acts for their further assurance, at their charges, as they should require, which would bee to her very acceptable and give the poore men cause to pray for him. Thus the Queene.

The fruite was, noe more quarrells were picked against their leafes, but this noble lord, (that out of himself never meant them damage,) permitted them to bee at quiett.

Before I enter upon the two unthrifty titles of this lords law suites and of the sales of his land, I will deliver him to his posterity in the other actions of his life, from the first of Queen Mary forwards, (then in the nineteenth yeare of his age,) That the causes of the said unthrifty titles which next shall follow may more groundly bee conceived.

Edward the sixth being dead in July : Anno . 1553 . and Queene Mary settled in the Crowne, her marriage was concluded upon with Phillip prince of Spaine, during which time this lords mother was busied in regaining her sons foresaid Barony and possessions ; And Sir Thomas Wiat and his Kentish complices in raising Armes against that forraigne marriage, and the entry of strangers into the land : Brett and others of the Queenes captains and Subjects then also falling unto Wiat from their own faith and her Allegiance, the Queene, diffident of many of her nobi[li]ty, resolved amongst others, (partly out of the correspondance of this lords mother with her self in religion, and partly out of the bounty shee then had and was in pourcing upon her son then but nineteen years of age,) to trust him more then
many

732

Lře dat : 13. Maij
3. Mař. in
Berkeley Castle.

733 many others more aged and experienced ; Whereupon shee sends her tres to him together with her Commission, in January in the first yeare of her raigne, | (hee then at Yate in Gloucestershire,) forthwith to Arme 500 of his trustiest tenants and fervants, and with all possible diligence to attend her person then at Whitehall. **This** lord, to his great charges, readely prepareth armeth and apparelleth that number, All of them drawn out of the parts about Yate and Berkeley ; for help whereto hee obtained a lone of money from his tenants from fourty shillings to Twenty pound a peece, and gave bills of repayment, in like resemblance as kings by their privy seales borrow of their subjects ; And for further supply pawned his mothers and Ancestors plate, (much of which was never after redeemed,) And having conducted those five hundred men about half the way towards London, (with many of whom I since have talked,) the Queens Lfes met this lord upon his way in the beginning of the next month, signifying That Wiat was taken and prisoner in the Tower, and his complices disperfed, willing them to returne into his Country and with his utmost care and industry to keep the same in quiett ; Two hundred or more of which Armors yet remaine in Berkeley Castle, rather as memorialls of this intended service then fit for any moderne use : Which forwardnes of this lord in his Princes service in a time foe wavering and unsetled, and in his minority, when shee knew not well whom to command or where to trust, Queen Mary the next yeare both remembred and commended in the warrant shee signed for this lords speciall livery of the reverted lands ; makeing it a leading motive why shee granted to him livery of those lands with their rents and profits from the death of her brother, two years and more before hee came to full age.

Priv : sigill. 8.
Sept : 1. et. 2. Ph.
et. Mañ.

in castro de
Berkeley.

734 **And** also the said Queene sent other tres to this lord, signifying That where shee was by fundry wayes enformed That Thomas Wiat and some others had of late by spreading abroad most false and vain rumors, procured to stirre her subjects of her County of Kent to arise against her crown and dignity royall, Albeit shee hath already taken such order as shee doubted not shall bee sufficient to repressse and overthrow the unnaturall conspiracy, yet hath shee neverthelesse thought good to require and charge him forthwith upon the sight hereof, to put himself in full order with as many of his servants friends and tenants as hee can make, both on horseback and on foote, to bee in a readines to march and set forward upon one houres warning, either against the said rebels, or such other waies as shall bee signified unto him from her ; And in the meane time, to have good regard to the quiet | order of the parts where hee dwells, causing all such idle and lewd persons as shall either by spreading abroad of untrue rumors, or by any other ways, attempt to stirre or disquiet

quiet her loving Subjects, to bee apprehended and punished as the quality of their offences shall deserve ; given at her Manor of St James the 26th day of January in the first of her raigne, Mary the Queen, with her own hand.

Not longe after, (like a young lord left to much to the oversight of his own education,) hee came to London, settled at Tower hill, frequented the Court, and spent all his time at tenys, bowles, cards, dice, and in the company of his huntsmen and faulkeners, delights that drew on greater totalls in his Accompts at the years end then his revenue would support, espetially two Joyntures of his fathers and grandfathers widows draining a third part thereout.

In ffebruary in the second and third of Phillip and Mary, this lord sueth livery for all those manors and lands which descended to him after the death of his father, which, with their values are particularly mentioned in the end of his life : which noe sooner finished, but the lady Anne his mother bringeth against this lord her son her writt of Dower, wherein shee was soe quick that shee over ran her suite in time : but being an error betweene mother and son, and hee looking after nothing but his sports, and all his servants at her devotion, hee sealed what by her or them was tendered ; And soe besides her Joynture made by her husband upon marriage, shee now in lieu of Dower from this lord her son, had the manors of Coldeverton, Mountforrell, and Goscote hundred in the county of Leicester, And the thirds of his manors of Sages, Tetbury, Daglingworth, and fframpton upon Seaverne in the county of Gloucester, And of Manyngford Bruce in the County of Wilts, And of Aspele in the County of Warre, And of Hovingham in the County of Yorke, And his lands in Calais ; Which later this lord her son obtained after to rent of her at one hundred pounds p^r Anⁿ, for fourty yeares if shee lived soe longe ; for true payment whereof hee gave her a statute of two thousand pounds ; for it is to bee understood, That till the Statute made in the 27th of king Henry the 8th of transferring uses into possession, That Joynter might bee had, and Dower also, of lands soe transferred to possession ; And thus with releases of actions one to another, the mother and her son parted their possessions. |

At this time, in the middle of Queen Maries raigne, what through this lords living with his mother at Kentish Town and Shoolane in London, and his daily hunting in Grays Inne feilds and in all those parts towards Islington and Heygate with his hounds, whereof hee had many and those excellent good, And what through the company of many gentlemen of the Innes of Court, and others of lower condition that daily accompanied him, And what through the fame amongst those

Inden^t dated: 10.
et. 22. ffebruarij
Orig: 2: ps: 2. et. 3.
Ph: et: Ma^r. in
sc^acio.

Carta: 5. Nov. 2.
et. 3. Ph: et: Ma^r
Carta. 3. Marcij:
4. et. 5. Ph: et:
Ma^r.
Comp: 29. H. 8.
in castro de
Berkeley.

Stat: 27. H. 8. c. 10.
Coke. 4: rep: fol. 1.
Coke pla: fol: 171.
172.
Dier fol: 61. 97.
228. 248. 266. 717.
340.
cartæ in castro de
Berkeley.

735

Plow : Com. fol :
223.

those students of his cases of Reverter of his Barony and lands, and of the case touching Weston Baldocke, (reported by M^r Plowden in his comentaryes,) and of others partly before mentioned, that termly walked all this Queens raigne up and down Westminster hall, and were points for every reporter and students note bookes in those Innes of Court ; And what through his marriage in one of the greatest families then of favor and observation, And of his one hundred and fifty servants in livery, that daily then attended him in their Tawny coates, And the opinion of his mothers vertue and chastity, then the only Sollicitor of her sex in her own person, in her own and sons causes, hee was of as great note and hope as any of his age and of that time ; But how longe that heighth of opinion held, and how by degrees it wayned, the rest of his life will tell his posterity.

Check roll in
Berkley Castle.

Mich : 5. et. 6.
Pli. et. Ma^r : in
banco.
Plowd. Com. fol.
223.

And in this time also began that great suite in the Comon pleas, in an Ejectione firmæ concerning the manor of Weston iuxta Baldock in the County of Hartford, between Henry Willon p^tt tenant for years under S^r Henry Cocke, And this lord Henry defend^t ; which continued from this time in argument and agitation at barre and Bench, through the power and means of the p^tts lessor, and the intricacy and consequence of it self, untill the fifth year of Queen Elizabeth, when this lord had Judgment and recovered ; wherein the principall point was, Whether the king was bound by the Statute of donis conditionalibus or not, arising upon the entaile of this manor created in the 5th year of kinge Henry the 7th, by the Marques Berkeley to the heires males of the body of that king with the remainder to the right heires of the Marques, as in his life I have already mentioned ; And upon the Alienation of his grandchild king Edward the 6th, (now dead without issue male,) in the first of his raigne to Sir Wilm Herbert, after Earle of Pembroke, and to his heires, who sold the same to S^r Henry Cocke afore said ; Than which the laws have not afforded a more learned case of that argument : And having out of the household books of this lord yet remaining, observed the lawiers fees of those daies, I find That what time two or three Sergeants at lawe | and other great counsell were drawn from their Chambers to conferences at a tavern in ffeetstreet, whereat this lord and his industrious mother were present, there was given noe greater fee then ten shillings the peece to any of them.

Liber : comp :
caus : jurid : in
castro de Berkeley.
736

Whilst the former suite depended, brake forth another in the third year of Queen Elizabeth, which had been some former years in Hamering, And was grounded upon an old pretence of title pretended by this lord and his Ancestors to a place called Barrow Court in Tickingham in the County of Somersfet, with other

other possessions there, sometime the inheritance of Phillip Mead of Bristoll and of Richard his son, father and brother of the lady Isable, wife of the lord Maurice the fifth, of whom I have written in his life, against Roger Kemys of Wickwicke then in minority, forty years after receivour to this lord Henry ; Infomuch as William Conestable and Jone his wife mother of the said Roger and Executrix to Thomas Kemys her former husband exhibited their bill in Chancery against the Maior and Aldermen of the City of Bristoll, And amongst other passages set forth, That two chests of evidence of the said Thomas Kemys were in the 37th of king Henry the 8th upon her departure from thence into Devonsh^r committed to the safe keeping of the Churchwardens of the parish church of Ratcliffe by Bristoll, from whence, shortly after, upon a tre written by Marques Pawlet after lord treasurer and then Master of the wards, to the Maior of Bristoll, the said chests were thence removed into the Town hall of the said Citie, and sealed, with three locks ; And was soe done upon a pretence of Title That Anne lady Berkeley in behalf of this lord her son, then the kings ward, made to the said lands ; Answer was made to that bill, And the cause coming to hearing, And the chests by this lords means, (who put himself as a party into this suite,) brought by order into the Chapple of the Rolls, and opened, and perused by Cordell then Master of the Rolls in presence of Counsell on both sides, This lord Henry was found to have noe title to the said lands, but was barred by matter of record found in the said chests ; Whereupon by order of Court the chests and Evidences were delivered to the Complainants. A title, had it so been known, that was settled longe before in the 21th of king Henry the 8th by ffitz James and Porter Justices of the Comon pleas upon a reference to them by Thomas the fifth then lord Berkeley and Arthur Kemys father of the said Thomas Kemys ; And this suite was originally | rayfed through a certificate made by the Maior of Bristoll under the common seale of that City, declaring that the fifth of October in the fifth of Edward the sixth Thomas Pacy Alderman and justice of the peace, and William Appowell, marchant, deposed, that they heard say, That certaine lands descended from one Phillip Mead sometime Maior of that Citie, lying in the said Citie and Suborbs, which ought and should appertaine to the honorable lord Berkeley and his heires, And that they know that one Arthur Kemys deceased held all the said lands ; And the lord Berkeley and Kemys were in contention for the same, which variance was referred to ffitz James cheife Justice, who awarded the possession to Kemys for his life, And after to the said lord and his heirs : But questionles, this was a lying certificate in the material point, gotten by the said lady Anne and made partially in her favour, as the originall award under those Judges hands which I have read plainly declareth, convincinge it of grosse falshood.

Bill in Cancell
3. Eliz :

Order : 3. Eliz :

Order : 19. Junij
3. Eliz.

Carta cum Arthur
Kemys filio Rogeri
737
de Wickwick in
com Glouc.

Award with Arthur
Kemys of Wick-
wicke.

In

Comp: Walter
Shipw: seňli:
hospicij 2 Mař. in
castro de Berkeley.

Comp: Hospicij. r.
Eliz. in Castro de
Berkeley.

738

In September in the second of Queen Mary this lord maryed the lady Katharine Howard, at the Duke her grandfathers house in Norfolke, (of the life, death, and funerall of which lady Katharine I have much to write,) whom shortly after hee brought to his house at Tower Hill; from whence going by water to Greenwich, (where Queen Mary and her husband king Phillip kept their first Christmas,) to the Masque on Twelvth day, these chargeable ornaments were provided, as the Stewards booke of household hath them; viz:; Paid for 2 pair of fine hosen for my lady to weare on twelvth day—4^s 8^d. for a Velvet hatt for my lord—3^s for a fine boungrace and a musler for my lady the same day—8^s ffor two fine smocks—3^s 9^d. And more, (the same yeare,) for two paire of hosen for my lady—4^s. And being now accidentally entred into this lord and ladies Wardrobe, Take their apparell five years after made against the Coronation of Queen Elizabeth; viz: for one Dublet of crimson fatten laid with silver lace, with silver buttons, lined with crimson farcenet, And his breeches of crimson velvet lined with crimson fatten; One other dublet of white fatten, and breeches of white Velvet lined wth white fatten, laid with silver lace; His points of black, white, and red ribbond; his hatt of crimson silk and silver, And another hatt of velvet set with aglets, with a white feather, (some of which aglets I after saw with this lord;) The scabbards of his two rapiers and daggers were the one of white velvet, the other of crimson; His guilt spurrs with velvet leathers of the same colours, And his shoes of crimson and white velvet: As for the aparell of his wife, I observed only, (out of the said Accompt,) That her | petticote was of crimson fatten, And her gowne of cloth of gold, and her shoes of crimson velvet.

Comp: hospicij
3. Eliz: in castro
de Berkeley.

And two years after, hee furnished himself with a white spanish leather Jerkin laid with white silver bone lace, (foe are the words,) with silver buttons, and white leather buskins.

And thus up and down all the time of Queen Mary removed this lord and his wife, with seldom lesse (often more) then one hundred and fifty servants in livery, between Yate, Mangottesfeild, London, Callowdon, and other places; And used to hauke as hee travelled those waies, making his removes from those places to London eight days at least, and as many back againe.

Comp. hospicij in
eisdem annis in
castro de Berkeley.

Having in his first fower years after his marriage much over ranne his purse, Hee in the last of Queen Mary and somewhat before sojourned wth the Countesse of Surrey his wifes mother at Ryfinge in Norfolk, himself and his lady at ten shillings the

the weeke, her gentlewomen at 4^s.—And their gentlemen and yeomen at 3^s the weeke; from whence they came to London the 5th of January, And thence returned againe the ninth of february by Ware, Barkeway, Newmarket, Soffam, and foe to Ryfinge, whither when hee had brought his wife, hee in fewe days after returned to London; And living with his mother at her said house in Shoe lane, spent most of his time at cards, dice, tenys, Bowling-ally, and hawking and hunting neere that Citie.

In July in the said first of Queen Elizabeth hee returned to Ryfinge, And from thence with his wife and family by the waies of Newmarket, Cambridge and Northampton, came to Callowdon by Coventry: where the first worke done was the sending for his buckhounds to Yate in Gloucestershire: His hounds being come Away goes hee and his wife a progres of buck hunting to the parks of Barkewell, Groby, Bradgate, Leiceſter forreſt, Toley, and others on that ſide his houſe: And after a ſmall reſoſe, Then to the parks of Kenilworth, Aſhby, Wedgenocke, and others, on the other ſide his houſe: And this was the courſe of this lord (more or leſſe) for the thirty next ſomers at leaſt: not omitting his own at Callowdon and in the county of Glouceſter. And his wife being of like honnor and youth, from this first of Queene Elizabeth to the beheading of her brother the Duke of Norfolk thirteen years after, gave her ſelf to like delights as the Country uſually affordeth; wherein ſhee often went with her huſband part of thoſe hunting Journeys, delighting her croſbowe: kept commonly a caſt or two of merlins, which ſometimes ſhe mewed in her own chamber; | which falconry coſt her huſband each yeare one or two gownes and kirtles ſpoiled by their mutings: uſed her longe bowe, And was in thoſe daies amongſt her ſervants ſoe good an Archer at butts, as her ſide by her was not the weaker: whoſe bowes, arrowes, glove, bracer, ſcarfe, and other lady-like accomodations, I have ſeen, and heard alſo her ſelf ſpeak of them in her elder yeares; which partly by the death of that noble Prince her brother, and partly by the troubles that then invaded her huſbands eſtate, were broken of, and much diſcontinued. 739

And thus lived this lord and his wife betweene London, the Dukes houſes in Norfolk, Callowdon, and Berkeley, never longe at one place, the first thirteene yeares of Queene Elizabeth: In which their travells, (if both togeather,) they were ſeldom or never attended with fewer then one hundred and fifty ſervants in their tawny cloth coats in ſummer, with the badge of the white Lyon rampant imbroi- See fol. 8.
dered on the left ſleeve; And in coats of white frize lined with crimſen taffety in the

the winter, This lord allowing only cloth, buttons, and badge ; amongst whom many were gentlemen and Esquiers of remarkeable families and discent, and of alliance to this house ; Many of whom I lived to see and know and to talke of these times : And have with some of them then in nearest relation and place of his revenue, expostulated why they would suffer their young lord and lady his wife to runne yearly 1500^{li}. at least into expence above their utmost incombe, each year, (or second at least,) shortning the same by sale of a Manor, having noe suites in lawe, nor daughters then married away, forraigne embassies, domestike services in Court or Country, nor any other extraordinary causes of expence in the world ; And not either as kinsmen out of affection, or as servants out of Duty, to advertize them thereof ; And to pray them to think on the end in this their beginning and middle. Whereto Jeffry Ithell, (that lords Auditor from the first yeare of Queen Elizabeth till after the fortieth,) once gave mee this instead of answere ; My prayer shall bee that you see not his son Sir Thomas (now your young master) doe the like, or worse hereafter in a worse manner then housekeeping, and to bee attended with many followers ; And (all they now dead) I reply, (after twenty six years silence,) and pray, That his son the now lord George may not after his full age tread in these unprofitable stepps of his father and grandfather : What S^r Thomas did, these relations will declare : What his son the lord George will doe, I hope himself (Julius |

740 Cæsar like,) by his own comentaries of his own life, will tell that male posterity of his, which I pray the God of heaven shortly to blese him withall ; A true way to attaine the knowledge of himself, and to discern the honor or errors of his own actions ; But most sure it is, That in the time of Queen Mary when this lord Henry entred upon his lands descended to him from his father, and also upon his Barony of Berkeley and those manors which reverted to him after the death of king Edward the sixth, as before hath been said, That hee had many flatterers and sycophants, as well of his own family as out of London, Captaines, Schollers, Poetts, cast courtiers, and the like, That for their private ends humored him and his wife, making them to conceive that their estate and yearly revenue was greater then that they could exceed it ; which would afford an expence at pleasure, And to give without fear of want ; whereto they listening with too open an eare, for facile credimus quod volumus, It came to pass that within two or three years they were unknowingly cast into a great debt, ere they came to discern their estate ; And to take off the same, (after borrowing upon mortgages, Statutes, and pawnes,) this lord began to sell his land ; A course hee overlonge after continued in, as that title too manifestly declares, expending one year with another all that time of Queen Mary and divers years after 1500^{li}. p añ at least, as by the medium, (which I with some hours expence

expenſe drew out of his officers accompts of thoſe times,) appeares, above his ordinary revenue, and the fines and other casualties that his eſtate preſented: **The** obſervation whereof I held the more remarkable through the knowledge I after tooke of his principall Officers which in thoſe times managed his eſtate and affaires, as Thomas Duport, a wiſe man, Hugh Denis, Martin Petit, Walter Shipward, Thomas Denis, Thomas ffranſham, Robert Cox, William Shillitoe, Anthony Corbet, Edward Bucknam, fferdinando Ligon, Henry Ligon, Richard Bedale, Thomas Jevais and Jeffry Ithell his Auditor; fix of them his kinsmen, as in the proper places of their diſcents appears.

In the ſecond of Queen Elizabeth began this lord to preſent her Ma^{tie} with ten pound yearly in gold at new years tide, and his wife with five pound; which courſe ſhee held during her life, And this lord the reſt of the Queens daies: **And** was never unmindfull of yearly ſending, Lamprey pyes, Salmon, Veniſon red and fallow, and other ſmall tokens, to Judges, great officers of State, privy Counſellors and Lawyers, whereof hee reaped both honor and profit, an hundred times more than the charge. **The** ſame year hee ſent the lord keeper for his | new-years guiſt ten old angells, which gave him the mindfullneſs of putting him into the Comiſſion of the peace, wherein aſwell in that County of Glouceſter as in two others hee continued all the reſidue of his life; ffor which employment, becauſe through his mothers fault his education was not fitted, hee brought his ſervant Thomas Duport into equall authority with him, whereby his own unaptneſs was leſs perceived, and the buſineſs of the Country not worſe diſcharged.

His Chriſtmas, (as moſt part of this ſecond year of Queen Elizabeth,) hee kept at Yate with great port and ſolemnity, as the extraordinary guilded diſhes, the vanities of Cookes arts, (having none other gueſts but the gentlemen and ruralty of the Country,) ſerved to the table on Twelvth day, well declare; whereof one was a whole bore incloſed in a pale workmanly guilt by a Cooke hired from Briſtoll, as the Clarke of the Kitchens booke declareth: In peruſall whereof, I could not obſerve how that diſh was brought unto the table.

In which yeare having in March extreemly heated himſelf by chaſing on foot a tame Deere in Yate Parke, with the violence thereof fell into an imoderate bleeding at the noſe, for the ſtay whereof by the ill counſell of ſome about him, hee clapt his whole face into a baſon of cold water, whereby that fluſh and fulneſs of his noſe which forthwith aroſe, could never bee remedied; though for preſent help hee had
Phyiſitians

Comp : Thome
ffranſham: 2. Eliz:
in caſt : de Berke-
ley.

Anno. 2. Eliz :
741

Comp Walteri
Shipward in iſdem
temp: in caſtro de
Berkeley.

Physitians in fewe daies from London, And for better help came thither himself not longe after to have the advice of the whole colledge, and lodged with his mother at her house in Shoe-lane.

His Late suites.

I am by course of story and promise now fallen upon the time wherein I shall deliuer to this noble family the second greatest blow and wound that the possessions thereof at any time received ; The roote whereof, (watered with the powerfull prerogative of the Crown,) thus grew up and bore these disastrous fruits, as now followe.

742 The fifth of October in the first of Queen Mary, (her brother king Edward the sixth being dead in July before,) began the parliament at Westm^r which continued by severall prorogations till the sixth of December ; In w^{ch} John Dudley Duke of Northumberland, John Dudley Earle of Warwicke, S^r Ambrose Dudley knight, (after Earle of Warwicke,) Guilford Dudley Esq^r and the lady Jane Gray his wife, Henry Dudley Esq^r, S^r Andrew Dudley knight, and some others, having before been convicted and attainted by course of the Comon lawes, And the said Duke (with others) executed the 22th of August before ; their said convictions and attainders were approved and confirmed, And they by this Act againe convicted and attainted of High Treason, and adjudged to forfeit all their honors, manors, lands, tenements, rights, &c. By reason whereof that right of entry (not of action) which the said Duke had at the time of his attainder as heire to the lady Margaret Countesse of Shroesbury eldest daughter and coheire of Elizabeth daughter and sole heire of Thomas lord Berkeley the fourth of that name, to the manors of Wotton, (comprehending the burrowe of Wotton, and the fower hamblets of Nibley, Sinwell, Combe, and Wortley, which make the manor of Wotton fforren,) Simondsfall, Erlingham, Sages, the third part of the manors of Came, Hinton, and Slimbridge, And to divers lands in Came called Corrietts, And to divers lands in Alkington called Holts, descended and came to Queen Mary ; The pedigree of which Duke in the life of the said Thomas the fourth from the said Elizabeth that lords daughter and heire, is at large already there laid down.

fol : 48o.

Pasch : 4. & 5.
Ph: et Mar: rot.
54. in sc^ocio cum
re^m regis.

Queen Mary upon this title against this lord Henry, (whom to these manors and lands, amongst others, shee had restored not fower years before, upon his remainder for want of Issue male of the body of king Edward the sixth,) exhibited an Information of Intrusion in the Exchequer for intruding thereinto without title.

This

This lord pleadeth thereto, And foe that fuite flayed, upon what cause I know not, neither could this lord remember, when a few years before his death I asked him, but thought, upon the death of Queen Mary; But the same Terme Twelvemonth after, was the like Information put in in the name of Queen Elizabeth upon the same title, And somewhat better couched then the former; At what time S^r Thomas Parry then Tresorer of the Queens household and one of her privy Counsell, after master of the Wards, openly shewed himself therein as an abettor of the fuite, as hee was in the former: **I**t was the | wifdome of this lord and of Thomas Duport his servant, whom only hee advised withall, to put nothing to the hazard of a tryall, (esppecially such a Counsellor of State in the Queens behalf declaring himself an adversary and Sollicitor). And thereupon a nihil dicit was entred, with a salvo jure for the Queen, and foe rested; which to mee would seeme more strange, save that S^r Thomas Parrys eyes were blinded and his hands bound with a lease of Simondsfall farme made the 8th of May that same Terme this information came in, for three score years from Michaelmas 1578. at the rent of ten pound two shillings; And a fine the next Terme leavyed by this lord for confirmation thereof, by the name of the manor of Symondsfall and Wotton underedge; which I suppose liked him the better because it adjoynd to his manors of Caldicote Lashborrow and others in those parts; Howbeit, it proved little beneficiall unto him, dying within two yeares after.

Pa: 1. Eliz: rot.
36.

743.

Anno. 20. Eliz:
Triū. 1. Eliz: sub.
figill. fol: 840.

For discharge of which alienation by the said fine, being without licence, A pardon was after pleaded; And the mouth also of Richard Hewes an Atturney then dwelling in Wotton, and the title bringer and Sollicitor to S^r Thomas Parry, was closed by Thomas Duport aforesaid with an Annuity of ten pounds p^r Anⁿ for his life; The death of which Hewes was after in a ditch upon London way by the bridge a mile and half on this side ffairford.

Mich: 9. Eliz: rot.
169. cum reū
thes: in sc^a Cio.

Thus slept this title, (what ever it was,) in the Crown, quietly without awaking, till Thomas Duke of Norfolke, (whose sister Katharine was wife to this lord,) was at the kings bench barre condemned for Treason. the 16th of January in the 14th of Queen Elizabeth; whose fall, whether furthered by the policy of that prudent Statesman Robert Dudley Earle of Leicester son of the said Duke of Northumberland, (as some have written,) or not, I have not to determine; But when that great and affectionate friend and brother in law of this lords was foe cast down, (and his head taken off the second of June after,) forthwith came in the next Terme an Information of Intrusion into the Exchequer against this lord, (longe before plotted and

Leices^rs comon
welth fo: 164.
printed: 1584.

Hillar: 14. Eliz:

and prepared,) for intruding into the said Manors of Wotton and Symondfall and for taking the profits thereof since the first of her raigne; wherein after pleading and issue Joyned, a tryall was by jury at the Exchequer barre, whereat the Earle of Leiceſter was preſent in perſon as the promoter and follower of that ſuite, who now like a ſtorme amongſt weakened waves wrought high, and all to bee ruſſed this
 744 family into a ſome of fury, bringing with | him divers other Courtiers of eminency to countenance the cauſe: Hee at this time having a private promiſe in writing under the Queens hand and ſignet to have this land, which I after met withall and is now in Berkeley caſtle. The verdict paſſed againſt this lord; (hereafter I ſhall ſhew how and by what means,) Judgement was given againſt him in Eſter Terme in the 15th of Elizabeth, And the 18th of May removed out of the poſſeſſion; But, veniet iterum, qui te in lucem reponet, dies;

Time againe will bringe the day
 Of thy returne, to ſtay for ay.

The third of June following were theſe manors extended and valued by the Sherriffe at—25^{li} 3^s 4^d. ob. old rent per Anⁿ; And the firſt of July following was a perfect ſurvey made of theſe Manors by Comiſſion out of the ſaid Court, by S^r Giles Poole and others, whereby alſo this lord was found to have unjuſtly received of the rents, fines, heryotts, woodſales, and other profits, 5024^{li} 12^s 8^d. Each tenant and occupier of any part being ſworne to deliver his knowledge, for anſwering
 Anno: 15. Eliz: whereof this lord ſtood charged: The 7th of the ſaid July by vertue of another Comiſſion directed to the ſaid S^r Giles Poole and others, the Queens title to theſe manors was found in this county by Jury at large, with all the mean conveyances, As Atfeilds old deed of entaile, The fine to the heires males in the 23th of king Edward the third, The parti^con amongſt the three lady-co-heires in the ſixth of king Edward the fourth, the attainder of the ſaid duke of Northumberland in the firſt of Queen Mary, And by her death diſcent and right of theſe manors to Queen Elizabeth.

This buſines thus prudently prepared, the Queen the 25th of the ſame July granted theſe manors of Wotton and Symondfall to the two ſons of the ſaid Duke, Ambroſe then Earle of Warrwicke, and the ſ^d Robert then Earle of Leiceſter, and their heires. Which Earle of Leic^r ſhortly after, with an extraordinary number of Attendants, and multitudes of country people that reſorted to him, (whom my neighbors parrallell to Bartholomew faire in London,) came to Wotton, And thence to Michaelwood lodge, caſting down part of the pales which like a little
 parke

parke then enclosed that lodge, (for the gates were too narrow to let in his traine,) and thence went to Wotton hill, where hee played a match at Stoball; And a few days after this popular entry, having stayed at Wotton, departed from this ill gotten pur-|chase; And to tye cup and cover together, though somewhat out of time, 745 both the said Earles of Warwicke and Leicester in the second year after the later recovery had against this lord Henry and Queen Elizabeths grant to them thereof made; came the second time to Wotton and to those new gotten possessions with a greater troupe of Attendants then before; what time the said Earle of Leicester, the more to grace S^r Thomas Throgmerton, made him his daily coach companion; And amongst other visits they came to Rolls Court in Slimbridge, to remove that possession, which Arnold Ligon Esq, son of Henry Ligon oft before mentioned, a stout gentleman, there maintained against them, in right of his lease for life, which hee held under this lord Henry; which at that time they did not. But to returne.

All the year after this lord and his wife kept London and the Court, as petitioners for pardon of soe much of the foresaid meane rates and arrerages as were then unlevyed by Sheriffes, who had by proces out of the Exchequer shortly after the said recovery, extended all the lands of this lord in what County soever; So that (upon the matter) all his means for maintenance of his estate and calling was taken from him; And at last for 500^{li} paid into the receipt, obtained from the Queen a pardon for the same, dated the 23th of June in the 16th of Eliz: And, as I have heard this lord himself report, this Court suite cost him in the meanes hee used—1800^{li} in ten weekes: In one passage about which pardon, his Lordship added to mee, That what time his wife was upon her knees before the Queen delivering a petition touching these arrerages, Her Ma^{tie} replied, Noe noe, my lady Berkeley, wee know you will never love us for the death of your brother; meaning the Duke of Norfolke, beheaded about two yeares before.

Sexta ps. Patent.
23. Junij. 16. Eliz:
sub sigillo.

And for defraying of this their excessive expence and payment to the Queen, they were enforced, (amongst other causes,) to mortgage to Thomas Markam Esq, the manor of Alkington, extending welnigh to the walls of Berkeley Castle; which being by deed inrolled and without licence, and holden by knights service in Capite, this lord Henry was 28 years after in the 44th yeare of Queen Elizabeth, driven to his pardon, which cost 30^{li} in the Alienation office, besides other charges; And also by pleading the same after in the Exchequer in the office of the Treasurers remembrancer; And what other sales this lord now made, the list thereof hereafter mentioned will declare.

Indenture dated
27. Octobr. 16.
Eliz.
Pardon: 44. Eliz.

fol: 817

And

Carta in castro de
Berkeley dat. 25.
Nov: 3. Eliz.

746

And so deeply were his two principall officers Thomas Duport and Thomas Franſham, (beſides others,) engaged for his Debts, That in the third of | Queen Elizabeth they had from this lord for their indemnity a leaſe of the Manors of Boſham, ffuntington, Thorney, Tetbury, Sages, fframpton, Daglingworth, Maningford Bruce, Auconbury, Weſton, ffenyaſtanton, and Hilton, for one and twenty yeares, with power to receive the rents of thoſe manors, and pay the debts they were ingaged in for this lord ; Which as they are ſcheduled then were above—2000^{li}

I am now, for ought I know to the contrary, almoſt left alone alive, that can teſtify the truth of this digreſſion, (if a reall circumſtance may ſoe bee called,) which, together with my love to truth, ſhall bee my motive to leave the ſame to the knowledge of this noble family ; As namely, how one of the preparations or practices of the ſaid Earle of Leic^r, before the beginning of this ſuite, was his outward demonſtration of great affection to this lord Henry, inviting him to his Caſtle of Killingworth, ſix miles from Callowdon, lodging him as a brother and fellowe huntsman with him in his own bedchamber, with ſemblance of great familiarity ; gave him liberty without^r reſtraint over his Deere in his Parks and chace there ; fairly relating unto him how it was his greateſt honor, (as in deed it was,) to bee diſcended from his ancient houſe ; deſiring that the ſame by ſome good herald might by his means bee warranted unto him, with their matches, out of his evidence ;

To a ſweet note the fowlers pipe is ſet

When hee the bird betrays into the nett.

Anno. 12. Eliz :
1570.

747

This motion was aſſented to by this well meaning lord ; One Harvey an herald, not longe after, was by the Earles tre commended for y^e ſervice and ſent to Callowdon, where after a ſmall paines in peruſall of thoſe few evidences that then there remained, And ſome notes taken importing no other end but diſcents, Hee was thence with tres of Comiſſion ſent (as hee deſired) to Berkeley Caſtle, where the maine body remained of thoſe Berkeley evidence, having about him pfidious inſtructions to draw away from this lords evidence houſe ſome Deeds and exemplifications of records, (whereof the originalls was either loſt, or taken from the files,) which the herald performed ; And being ſomewhat in drinke, through the kind entertainment hee received at Berkeley Caſtle, in the houſe of one Thomas Bolton, then an Inholder (and an old brewer to this lord,) ſaid unto him upon occaſion of ſpeech, (as Bolton twice told mee and oftner others,) That this Journey by reaſon of what hee had | found and had would bee his making for ever ; which words I received from Thomas Boulton to whom Harvey ſpake them, upon occaſion of Boltons queſtion, when hee would end his ſearch. ffalſe friends are the greateſt enemies, worſt when they

they seem best, and most dangerous when they speake fairest ; Ovid said truly ;

Ovidius

Tuta frequensque via est, sub amici fallere nomen,

Tuta frequensque licet, sit via, crimen habet.

It is a safe and comon way, by freindship to deceive,

But safe and comon though it bee, its knavery by yo^r leave.

And I my self doe here avow, That about twenty six years now past my self discourfing of these and the like words with M^r John Savage, hee told mee That this herald in his way from Callowdon towards Berkeley came to his house to Sainbury, (two miles from Camden, wth the lord Berkeleys tre of comendaçon for his first nights lodging on the way, (as my self have often done,) where, having liberally supped, hee opened his portmanteau, and turning over a long roll of Armes to shew him the coate borne by the name of Savage, hee observed the coate of Berkeley, well known to him; And how that a note of paper was pinned over the same, which M^r Savage suspecting, (yet hee knew not what nor wherefore,) tooke a copy of the same out of the roll, whilst Harvey the herald slept in bed, (left by forgetfullnes in his parlor below;) And when hee could make noe construction thereof hee cast it into a cubbord in the same roome, amongst a heape of old cancelled bonds ters and the like trash; which note after some search I found, and thereby visibly discovered the treason ; Quicquid sub terra est in apicem proferet ætas,

This was in anno
12. Eliz : 1570

Time will reveale each secreet, sublunary thing ;

Noe hidden thinge there is, but time to light will bring.

And doubtles, one of the evidences then taken away was an exemplification under the great seale, of the office found in the first of king Edward the third in the county of Glouc., after the death of the lord Maurice the third, the originall whereof was not longe before filched from the file in the Tower ; And one other concerning Erlingham, as the said note imported. And let mee by a short digression in this place ingeniously professe to this noble family, that by the happines of my poore endeavors, more then 300 peices of evidence have been returned into their Evidence house from many corners, but whether soe scattered by falshood or forgetfullnes, | or by what other accidents, I may not determine ; But sure I am, that many of those peeces have been out of their possession since the death of Queen Mary : which is not here otherwise remembred, then to pray this noble family to bee carefull to whom they committ the keyes of their Evidence house ; For such as S^t Luke mentions the unjust steward to bee will in great families bee found in all ages, that will serve themselves and their own ends.

This note is in
Berkeley Castle

748

Luke. 16. v. 1.

After

Sr N. P.
[Nicholas Poyntz]

After the said Informaçon was put into the Court, and the issue in joyning, The Earle of Leiceſter ſent for his inward freind Edmond lord Chandois, (eſteemed in thoſe daies as king of Cotſwold,) And at Langly agreed of ſixteen ſpeciall freeholders names, to bee with others returned of the Jury for tryall of that cauſe; what time they had alſo the help of another knight ſince deceaſed, who gave the names of the other eight; whoſe name I forbear for his grandchilds ſake, noe malevolent kinfman to this family; which twenty four ſoe corruptly packed, tryed the iſſue againſt this lord. And this was told mee in the hearing of M^r Edward Green vicar of Berkeley, (who is yet living,) in Berkeley Caſtle the 25th of September. 1603. by M^r Charles Hyet, which (as hee ſaid) hee knew of his own knowledge to bee true; what time hee was very neare the lord Chandois in attendance; who then affirmed further, That M^r James Bramidge his familiar freind and neighbour after told him That hee was preſent as a ſpeciall ſerv^t by the death bed of the lord Chandois, (who dyed the 17th of March in the 16th of Elizabeth,) when hee heard him in that ſickneſſe ſay, That nothing greived him more at that time Then what hee did about the Jury for the Earles of Warrwick and Leiceſter againſt the lord Berkeley.

And further, on Munday the 18th of September in the firſt of king James, as William Cheſter of Almondsbury Eſq^r, my ſelf, and M^r Edward Trotman walked together in Eaſtwood parke, (fower miles from Berkeley,) after dinner, whither M^r Trotman (then there dwelling and now living at Came,) had purpoſely at my requeſt invited M^r Cheſter and my ſelf, M^r Cheſter then told mee, (as a token of the love and frienſhip then by M^r Trotmans means purpoſely ſetled between us,) that hee being a page to the Earle of Leiceſters chamber, obſerved the herald Harvies repaire unto him with Evidence from Berkeley; And that the Earles words to him, (which hee then heard,) were, That theſe titles had ever ſucceeded
749 between | their houſes, according to the kings favour in their times. And hee then further told mee, That M^r Henry Goodyear, (after knight,) a gentleman in great truſt with the lord Berkeley, held in this cauſe ſecret intelligence with the ſaid Earle of Leiceſter, and brought him ſome evidence alſo about the beginning of this ſuite, as hee then obſerved alſo, waiting the more near to Leiceſter becauſe hee was allied to him; Words heard by M^r Trotman as well as my ſelf: I hate the tooth that bites the dead: But this gentleman, whom . 34 . years paſt I remember to have ſeen, and ſome of whoſe ſres (admirably penned) written to this lord I have read, had his eare and his heart as much in thoſe times as any man that lived; And was often preſent at this lords requeſt at divers meetings and conferences of his Counſell, as
the

the said lord hath since told mee; To whom I once related what M^r. Chefter had said to mee: But being againe to write of the like packing stufte in another tryall and recovery; I will now returne from this digression.

After the Survey of these manors of the first of July in the 15th of Elizabeth was returned into the Exchequer, It appeared, (amongst other things,) to bee presented by that Jury under the title of woods, That the Queens Ma^{tie} was seized of a wood called Michaelwood chace, which extendeth from the Towns of Nibley and Huntingford unto the redford, and soe going all alonge the said river or place where the water commonly runneth called redford, unto the woods end, unto Robert Jobbins house of the woods end; Wherein the Maior and Burgeffes of the Town of Wotton and the Inhabitants of Huntingford and Nibley doe comon with their Cattle; And wherein the Inhabitants of Alkington, Woodford, and Wyke, have entercommon because of vicinage, That is to say, in respect of the Comon that the Maior and Burgeffes of the manor of Wotton and the Inhabitants of the said Townes of Nibley and Huntingford have in the other part of Michaelwood over the red ford, being the Inheritance of Henry lord Berkeley: Which wood on this side the red ford is the free hold and waft ground of the Queens Ma^{tie}, and parcell of the manor of Wotton; and extendeth as aforesaid, and is by estimation—207. acres. **T**hus the Survey.

In the composing of this survey it was soe partially carried, That Maurice Harding of Cowley, (yet living,) Richard ffourds of Pinelfend in Cowley, Robert Hale of Wotton, and Nicholas Cornock of Nibley, (grandfather to John Cornocke now servant in household to the lady Elizabeth Berkeley,) being of the Jury, would by noe perswasion or threats give consent to soe [untrue a presentment in the former point, which ready drawn by the Commissioners was tendred unto them, as the three first have often severally told mee; whereupon their names, after they had been sworne, were strooke out of the panell from their fellowes who presented the same, being all of them tenants to this manor of Wotton: of which manner of proceedings wee have since had many times conferences together. 750

This Survey thus returned and remaining of record in the Exchequer, and the said manor the same month granted to the Earles of Warwicke and Leicefer and their heires, as hath been said, They immediately thereupon placed one William Cecill as Ranger, to oversee their Deere in that part of Michaelwood chafe soe presented to bee part of their manor of Wotton: Between whom and Dunning and Kimmerly

Div^{se} exam: in
castro de Berkeley.
Diu^{se} tre Nichi
Poyntz et Thome

Throkm'ton Coñ
de Warr: et Leiceſt:
1578. 79. 80. 81.
83. in caſtro de
Berkeley.

Kimmerly his men, And the Ranger and keepers of this lord Henry, many bickerings often times happened, to the drawing of bloud, continuing in that troublesome courſe till the death of the ſaid Earle of Leiceſter, 1588, in the thirtieth of Queen Elizabeths raigne.

Trin : Paſch : 31.
Eliz : rot. 462.
in banco regis.

Immediately upon whoſe death, this lord, relying himſelf upon the comon Juſtice of the Realme, (for potent Leiceſter only medled in theſe matters, and the whole manor ſurvived to the Earle of Warwicke his brother then much infirmed with ſickneſs,) brought an action of treſpas againſt the ſaid William Kimmerly for treading of his graſs in Michaelwood chafe, and killing of a bucke there in July before the ſ^d Earle dyed, to his damage of ten pound; In which ſuite this lord recovered upon a non ſum informatus.

751

This Kymerly ſome years after upon a ſuite in the Court of Wards proſecuted againſt this lord, and examined touching his behaviour in theſe times of his keepership in this part of the ſaid Chafe, depoſed, That twelve years together hee was a keeper in that part of Michaelwood lying between Redford and Wotton, under William Cecill Ranger there to the Earles of Warwick and Leiceſter; And that all that time hee walked in great feare, and for the moſt part in the high waies, and durſt not goe out of them into the ſaid chace, but was always interrupted and threatned by the lord Berkeleys Rangers and Keepers, and had a warrant for a bucke taken from him by one William Hallam; And in that twelve years did not kill any Deere in that ſide of the chace where hee was appointed Keeper: And that afterwards hee was diſcharged from being keeper by M^r Arnold Oldiſworth, for that his M^{rs} the Counteſſe of Warwicke would not allow any fee for any keeper to walk there, as hee ſaid, ſince which time to this his examinacon, there hath been noe keeper there by the ſaid Counteſſes appointment.

Hill. 37. Eliz : rot.
92. eod. rot. 106.
Trin : rec : 38.
Eliz : rot : 123.
Mich : 40 : Eliz.
rot. cum rem thes:
in ſc^ocio.

Theſe Manors of Wotton and Simondſfall by the death of the Earle of Leiceſter coming by Survivor to the ſaid Earle of Warrwick, as aforeſaid, hee conveyed them (amongſt many others) to Anne his wife and her heires, and dyed within two years after his brother the Earle of Leiceſters death.

It chanced ſhortly after, That Henry Parmiter then of Stone an Attorney at lawe, Giles Daunt then of Oulpen, George Smallwood then of Dursley, and ſeaven others, all men of mettall and good woodmen, (I mean old notorious deereſtealers,) well armed, came in the night time with deere-netts and doggs to ſteale deere in
this

this chace of Michaelwood, who M^r Anthony Hungerford, yet livinge, then Ranger there for this lord, soone found in that part of the chace which was formerly presented to bee part of the manor of Wotton, then the inheritance of the said lady Anne Countesse of Warrwicke; And presently drew from Nibly and other bordering places nine or ten of his own tenants and friends, as good men with their staves as the hunters, whom they roughly set upon in that part of the chace: betweene which two companies of true men and theeves, many fore blowes were exchanged, divers on both sides beaten to the ground, and much blood drawn; which violence they ceased not on either side till the fall of Smallwood by his death wound, whereupon leaving him as dead, the rest of the Deerestealers fled: But by this means being known, And suite commenced against them in the Starchamber, the said Countesse of Warrwicke sent unto the said Parmiter a copy of the said Survey and presentment, And earnestly by Arnold Oldisworth and other her officers, laboured him and the rest to justifie their entry and hunting in the said chace under her authority and licence; And the rather for that Parmiter being an Attorney of the common place, and drawing his maintenance from his practice, might otherwise incurre noe small damage and fine also with imprisonment, with other like perswasions: Howbeit the hunters having made their peace with this lord and his Ranger, And that practice of the Countesse, (which Parmiter discovered to mee with delivery of the copy hee had received,) not prevailing, And this lord having a good opinion of the justnes of his title to that part of the chace, notwithstanding the said presentment, aswell as the rest, hee did in the 41th of Queen Elizabeth, enlarge the enclosure which of old time had been about the lodge in the said chace, And with a pale for the more comely proportion enclosed about 10 acres more then formerly was in the old enclosure; for | which fact, (though not to the damage of the said Countesse or any of her tenants of 2^d by the year,) shee caused Robert George her Receivor and William Trotman one of her woodwards to sawe down the raile and pale in such places as the said addition was made; And thereupon also brought her action of trespass against Thomas Hewes and other of this lords palers and workmen therein; During which suite at the common lawe, shee also exhibited her bill in the Court of Wards in Michmas Terme in the 41th & 42th of Queen Elizabeth against this lord and Anthoney Huntley his ferv^t and Woodward there, Setting forth therein how shee was seized of a messuage and one hundred acres of land called Holts, and of Common of pasture thereto belonging in the said part of Michaelwood; And also set forth, That that part of the said Chace which extended from the Towns of Nibley and Huntingford unto the river or water called the redford, and soe alonge the said river or place where the water runneth commonly called the redfoud, unto the house late

Anno. 1598.

752

Mich: term. 41.
et. 42 Eliz: in Cur
Wardō Anno. 1599

of

September, 42.
Eliz.

753

of Robert Jobbins at the woods end, is parcel of her manor of Wotton underedge ; And that this lord by the instigation of the said Huntley had not only forbidden her farmer of Holts to have any Cōmon in the said Chace, and driven back his Cattell, but also had inclosed about two hundred acres of that part of the chace with a pale, which did lye as aforefaid and which was part of the manor of Wotton, with such other suggestions as are too cōmon in English bills ; **To** which this lord and Huntley made answer and shewed, That if any such cōmon had of old belonged to the said farme of Holts, that the same was extinguished by an unity of possession ; And also, that the whole chace of Michaelwood was the inheritance of this lord, as in their answers at large is contained ; Whereupon after both the def^s had according to the usage of that Court been examined upon Interrogatories, the pl^t replied, and the def^s rejoined, And a Comission was sued out and executed at Wotton aforefaid the nynth of September in the 42th yeare of Queen Elizabeth, whereat in fowerteen days were fifty witneses examined ; And afterwards my self and William Hallam (an old keeper) with the Examiner in Court : publication shortly after awarded, and copies amounting to—400 . sheets of paper taken ; whereby appeared that both pl^t and defendants had aimed at one and the same end, by bending their maine proofes for the interest of the foile, and for the bounds of the said manors of Wotton and Alkington, which was labored by as many ways means and devices as well might fall | into the hart of man : **The** conclusion was That the Countess finding her proofs overweighed, suffered her bill without hearing to bee dismissed : Neither would shee afterwards bee urged to proceed to tryall upon her action of Trespas against Hughes, but discontinued it, and paid costs.

Mich : terme. 43.
et. 44. Eliz : rot :
382. et 383. in
banco regis.

Michaelwood.
Anno 8. Jacobi :
1610.
fol : 792.

All which may more largely bee read in my parchment booke dedicated to this lord, Intituled a register of the tenants by knights service from the 378th lease to the 388th lease ; And these two fuites are both in Berkeley castle exemplified under the seales of those Courts. **Thus** was the greater half of that Chace preserved which the Countesse and her offic^s had devour'd, with foe stronge an assurance that the sales of the woods and timber were propofed in the country, whereof the truer owner not longe after raised 2000^{li}. Yet left the like value for his posterity, as after followeth. But that composition which was afterwards made in the seaventh of king James between this lord and S^r Robert Sidney then Viscount Lisle, after Earle of Leicester, gave ending to these and many other fuites ; And thereby also the means of this lords sale of all the trees in this chace growing without the said Parke, (except—3000 . of the best,) to one Thom^s Hacket after a certaine rate by the Tunne for Timber and by the cord for fire-wood ; which hee coaled, And erected both

both a forge and furnace, bringing his iron oare out of the fforrest of Deane ; And which hee, (having made little benefit,) assigned to S^r Wiłm Throkmerton, And hee (as little,) to others : of which this lord Henry made. 2000^{li} towards payment of the said composition: And the end of that iron work begott the agreement that presently after followed between this lord and the Inhabitants of Alkington, Comoners in this Chace ; which was, That this lord should inclose with a pale and keep in feveralty to him and his heires for ever, fower hundred acres on the South east part of the Chace, at eighteen foot to the pearch, (accompting the forementioned little park and lodge therein to bee parcell,) free and discharged from y^e claim of Co^mon therein by any of the Comoners, And that this lord should leave the residue of the said Chace to bee a free co^mon for the Cattell of the said Inhabitants of the manor of Alkington ; And the deere of this lord feeding within the said parke or chace should bee for ever excluded from that part of the chace and from their grounds adjoyning therto, which was agreed to bee left to the said Co^moners Inhabitants of Alkington for their said Co^mon ; And that this lord should leave standing upon the foile of the Ground parcell of the said chace, to bee | left out of the said parke, one thousand oaks (since marked out) for mast and shadowe, which neither this lord nor the inhabitants of Alkington, freeholder or co^moner, should any otherwise use sell or dispose of ; And that assurances should accordingly bee made by indifferent Counsell on both sides ; whereupon this lord forthwith enclosed his—400 . acres, And in Trinity Terme following exhibited his bill into the Chancery, setting forth the said agreement between him and the Co^moners, with such other circumstances as seemed dependant upon such an agreement, And how thereupon hee had purchased other lands adjoyning for the circular and more uniforme proportion of his pale : **Whereunto** the def^t Co^moners made answere, confessing the agreement. **And** thereupon by the consent and desire of both parties, It was decreed by the said Court of Chancery That the agreement should stand and bee inviolably for ever after observed of all parties, which at this day continueth accordingly, A^o 1626. Which small service this lord so acceptably received, That in recompence of my contriving and finishing thereof hee by Deed granted mee a fee bucke and a fee doe yearly during my life, out of the said new parke. **But** soe rested not this chace or park, But that George lord Berkeley after his full age wholly disparked it, And carried away the pales railes and posts thereof for the mending of his three other parks of Whitcliffe, Newparke, and the Worthy ; And then demised the same for years to divers tenants, who forthwith at their charges according to their agreem^t with his Lo^p, divided the same into many closes, grubbing up the thornes furies and other brambles thereof ; In the three first years of whose leafes, the said lord carried
thence

Triñ term : 1612.
Ann^o 10. Jacobi
in Canceſt.

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Anno. 1612.
10 : Jacobi.

thence also great store of that timber for his buildings at Simondfall and at new-parke and at the grange by Berkeley, and at other places, And sold much of the rest, coleing also a great part of the firewood thereof and felling and burning the residue at Newparke and Berkeley castle, where hee then abode.

To this disparking it may seeme the lord George was led by the president of his Grandfather, this lord Henry, who in the time of Queen Mary upon his first entry quite disparked Hawe-parke by Wotton, and let the same at 6^s 8^d the acre, taking a fine of 26^s 8^d for each acre | for one and twenty yeares ; which a few
755 years before S^r Thomas Thinne, under the then Protectors favour, had in the later days of king Edward the sixth made thin, both of deere timber and woods therein growing.

Having thus pursued this recovery of the Manors of Wotton and Simondfall had against this lord, with such Inquisitions and circumstances as followed thereupon, I now returne to a like recovery of other manors had in like manner ten years after, against this lord also.

Triñ Term. 22.
Eliz : rot : 124. in
sc^acio cum reñ
regis.

Queen Elizabeth, in the 22th of her raigne, exhibited another Informa^cõ of Intrusion against this lord Henry, (which was likewise prosecuted by the said Earle of Leicester,) charging him thereby to have intruded into the Manors of Sages and Arlingham, and into the third part of the manors of Came, Hinton and Slimbridge, and into the ffarmes of Holts and Corrietts, Newleys, the warth, and other lands in the county of Glouc., from the first of December in the first yeare of her raigne untill the exhibiting of this information ; And by all that time to have unjustly taken the rents and profits : **To** this Information this lord pleaded divers pleas according as his Counsell conceived his severall titles to bee, All which for all the said Manors and lands were in Hillary Term in the 26th of Elizabeth found by jury at the Exchequer barre against him, And next terme Judgement entred accordingly. The fifteenth of August following by vertue of a Comission dated the 8th of July before, was this lord by the Sherriffe of the County put out of possession, And the 20th of the said August, the said manors and lands were extended and valued to the Sherriffe.

Survey under seale
in cast : de Berke-
ley.
Liber recogn: hill.
28. Eliz: in sc^acio.

The 17th of September following by vertue of a more speciall Comission directed to the foresaid S^r Giles Poole and others, a perticuler Survey was made of all the said manors and lands, and of all the rents and profits received by this lord from the said first of December in y^e first yeare of the said Queen to that time, which, (besides fines and all other casualties,) amounted to the sum of—3953^{li} 15^s 10^d wherewith
this

this lord was charged. **A**gainst the payment of which meane rates and arrerages, this lord foe struggled, that I verily suppose noe one Terme for Thirteen years next following is without orders in the Exchequer touching the same, besides the many petitions to her Ma^{tie}, wherein at last hee was much helped by S^r Edward Coke her Attorney generall.

The second of July following, the Queen granted all the said manors and premises foe lastly recovered against this lord to the said Earles of Warř. and Leiceſt^r and their heirs, to hold by the 4th p^t of a knights fee. |

Anno. 27. Eliz.

The Earle of Leiceſter dyed in the thirtieth of the said Queen, Anno, 1588. 756 without lawfull issue, whereby all those manors and lands mentioned in these two recoveries had against this lord survived and came to the said Earle of Warwicke, being his elder brother; who by his conveyances, (most whereof is inrolled in Chancery,) in the 32th of the said Queen, granted the same to certaine feoffees, To the use of himself for life And after his decease to the lady Anne his wife and to her heires for ever, as formerly hath been touched, And dyeth the 21th of ffebruary the same yeare; All which are at large found in the Inquifiton or office after his death the 15th of December the yeare after in the 33th of Queen Elizabeth.

By this office, the Queen was intituled to the moitie of a third part of all the said Earle of Warrwicks lands during the minority of Elizabeth the daughter and heire of Sir Phillip Sidney, (after maryed to the Earle of Rutland,) as by the office at large appeareth: Upon returne whereof, the Queen by Indenture under the seale of the Court of wards and liveries dated the 4th of June in the 33th of her raigne, in consideration of Twenty pound fine and 26^{li} 13^s 4^d yearly rent, demised to the said Anne Countesse of Warř. the third part of the said manors of Camé, Hinton, and Slimbridge, the said Newleys, the warth, Holts, and Corietts, in lieu of the moitie of the third part of all the Earle of Warrwicks lands, To hold during the minority of the said Elizabeth Sidney then but fower years old, which was an Extraordinary favor that the greatnefs of this Countesse found under a gracious Princefs, on whom in nearest place shee waited, and of a freindly master of that Court, then William lord Burleigh, lord Treasurer also; By which favour this lord was as deeply prejudiced in effect as by the recovery had against him in the Exchequer: for, being thereby under the prerogative of the Crown and the proceedings in that Court turned out of that possession, which notwithstanding the recovery in the Exchequer hee had still maintained for the third parts of the Manors of Cam, Hinton, and Slimbridge, especially; And his poore tenants sent for daily
by

Inqu: 33, Eliz.
post mort: Ambř
Cořm Warř.

Carta 4 Junij
33. Eliz.

by proces, and committed for their faithfull adhering to their landlord, This lord to help himself and them exhibited even a world of bills, and made as many answers, whereupon, as also upon bills of Traverſes to the ſaid office, followed an Army of orders, Injunctions and affidavits for ſeaven or more yeares together ; A fruitleſſ reſiſtance of himſelf and his counſell in thoſe times, whereby hee not only loſt all
 757 that was demanded againſt | him, (for what the ſaid Counteſſe would ſhee obtained,) but alſo with the exceſſive expence and payment of coſts, exhausted his coffers ; Suits much better not to have been defended at all, then not defended in the ſucceſſe ; And if better times ſhould ſerve, the regaining made more difficult.

33. Eliz :
 St: Henry Winſton
 Hill : 33 Eliz.
 Trin. 32 Eliz.
 Mich : 32. et 33.
 Eliz.

I ſhould make the life of this lord a volume of it ſelf if I ſhould perticularize but a fowerth part of the toiles and turmoiles, troubles and diſquiets, that aroſe about the poſſeſſions alſo of the ſaid Newleyes, Holts, and other of the ſaid lands, kept loſt and regained, and loſt againe, by this lord and his ſervants : of the indiſtments and traverſes that followed thereupon at Glouceſter and other places, purſued by St: Henry Winſton eſpecially in behalf of the ſaid Counteſſe : And of the multitude of Starchamber bills in thoſe years alſo exhibited by her againſt this lord, Rich^d Thomas, Anthony Huntley, and other of his ſervants and tenants, touching entries ryotts and forces, Termly attendants in the chamber of M: Thomas Chamberlayne, then this lords Sollicitor, (after a Judge ;) And how this lord by the injurious ſuggeſtion of the ſaid Counteſſe was twice convented before the Counſell table at Whitehall, to anſwere ſuppoſed miſdemeanors by her objected, which could not bee proved ; And at another time at Oatlands, where the 16th of Auguſt. 1590. in the 32th of Elizabeth hee was ordred to enter into a recognizance of ten thouſand marks, That hee his ſervants followers and freinds ſhould from thenceforth keep the peace towards the tenants ſervants followers and freinds of the ſaid Counteſſe during the controverſies between them : At what time alſo another recognizance of 500 marks was taken of Humphry Alſop this lords then Steward of his Glouceſterſhire lands, and one of the Sollicitors of his lawe cauſes : As alſo of the many proceſſes ſerved upon many of this lords ſervants and tenants at theſe times to appeare in the kings bench and Crown office, to give bonds for their good behaviours, with an endles number of brawles and broiles about theſe times raiſed and purſued by the ſaid St: Henry Winſton and Arnold Oldiſworth her greateſt Agent and Sollicitor.

This is that lady of Warrwick whom M: Rowland Vaughan, in his booke of Waterworks, reporteth, That to ſerve turnes was able in Court to work miracles in
 lay

lay matters ; which this lord Henry found true, to his extreame cost and trouble, as herein appeares.

I forbear also to speake of the action brought by this lord in these times against the said S^r Henry Winston, upon the Statute de Scandalis magnatum, who malitiously and falsly had given out That this lord said hee would come | with . 140. men, and get his possession againe of the Newlêase with the sword ; **As** also I omit to write of the bill Answere proceedings and decree in the Court of wards, touching the watermill and carucate of land called Corietts, in Cam, wherein who desireth to bee instructed in the learning of favour and prerogative, and to set a fair glosse upon a foule Text, may have recourse to the said decree, which passed in Easter Terme in the 42th of Queen Elizabeth in the Court of Wards for the said Countesse against this lord and his tenant John Somers, thereby cast out of possession ; A suite solicited by the wily diligence of the said Arnold Oldisworth then interessed in the same for many years by her demise, who, (after the composition in the 7th of king James with the lord Lisle,) having purchased the fee farme thereof of this lord Henry, shortly after sold the same to W^{thm} Harding and his heires, As not longe after hee did all the rest of his estate to others, And yet satisfiied not his debts by—4000^{li}. at the least ; And lastly dyed in Virginia.

Anno. 32. Eliz :

758

Mich. 40. et. 41.
Eliz. 1599.

Pasc. 42. Eliz :

Neither doe I here remember the extents upon all this lords lands in what County soever hee had any lands for the leavying of the said meane rates, nor the great sums which in part payment thereof hee paid into the Exchequer, nor the recognizance of—4000^{li}. which hee was by orders in the Exchequer inforced to enter into, with condition to pay all the rents and profits of the said manors and lands soe recovered against him ; wherein the pressures were farre more violent upon this lord then the usuall course, either of the Crown, or that Court ordinarily inflicted upon the subject, in regard the one moitie of the said arrerages or meane rates was granted by the said tres patents to the said Earles with the lands, with all the means which the Crowns prerogative had to recover it, and so came to the said Countesse, who not only with the same coveted to defray the charges of these suites, but to reward the diligence of her servants, freinds, and Counsell employed therein : And this guift of the moitie of the meane rates filled five years vacations with Inquiries in this County of Glouc. by Juries, to find out the value and profits of the lands recovered, in rents herriots fines and woodsales received by this lord, to the extreame expence of both parties : ffor some ease and releife wherein, this lord exhibited his petiton to the Queens person, presenting also his greife therein by

Hitt. 28. Eliz :

Annis 28. 29. 33.
39. et. 41. Eliz.

Anno : 36. et at.

word

word of mouth to her Ma^{tie} For the countermining whereof, and to frustrate that court suite which to this lord was both tedious and costly, the said countess exhibited also her petition, (for shee that perpetually waited next her person, could not be any
 759 small time ignorant thereof,) praying the Queen to | have allowance by her privy seale of the said arrerages according to her Ma^{tie} grant under the great seale; And that the further dispatch thereof might bee referred to some of her Officers, To the end the debts of her late husband the Earle of Warrwicke might the sooner bee paid by her his executrix; Which being referred to Buckliurst lord Treaforer, hee certified almost all the former proceedings in perticularity, but in such sort as this lord gained nothing but further losse for all his paines and expence.

Cert: dat: 26. Maij
 1599. 41. Eliz.

Neither doe I here, other then in cursary manner, sicco pede, remember how this lord Henry after the said verdict and Judgement upon the said Informa^{cion} given against him, often moved that Court of Exchequer to have allowance of certaine errors to reverse the said Judgement and verdict, and to have his writ of error signed by S^r John Popham then attorney generall; who after counsell at severall times heard on both sides, held them to bee errors unanswerable: but his remove to the place of Cheife Justice hindred the same: whom S^r Thomas Egerton succeeded, who, all his time of Attorney generall delaied it: After him Sir Edward Coke succeeded, To whome upon new motions the Court referred the examination of the errors anew, who also for his better resolution before hee would deliver his opinion, heard Counsell on both sides, And at last in Court told Peryam cheefe Baron That if such errors were depending in any other court, hee thought them sufficient to reverse judgment, but what they were in this Court, hee referred to his Lo^{ps} consideration.

At last, after long preffures, the said lord cheife Baron referred this lord to his petition to the Queen for allowance of the said writ of Error; her Ma^{tie} referred the consideration of the same to the two cheife Justices, the master of the Rolls, Egerton, and to her Attorney generall, who with much Sollicitation met in Hillary Terme in the 37th of Elizabeth, and having heard Counsell on both sides, resolved, that the proceedings upon the said Information were erroneous: But notwithstanding directed this lords Counsell first to search for presidents in the Exchequer from the time of king Edward the third, wherein any writ of Error had been brought for any matter of forme, or for misjoyning of issue, or tryall, or pleading; And also to search for petitions, whether by the Statute of 31. E. 3. a writ of Error may bee brought between her Ma^{tie} and a Subject without a petition; And to see also the manner of
 the

the petition for the proceeding therein in forma juris, And then they would certifie their opinions.

Search, (the costly work of a long time,) was made accordingly, And many presidents found wherein the subject had been allowed his writ | of error in that Court, both by and without petition; Copies thereof were praied by this lord Henry: 760
 Answer was made, None might bee given without an order from the lord cheife Baron: Hee being by this lords Counsell often moved thereto, finally answered, hee should have none except it were by warrant from her Ma^{tie}, seeing the presidents intended the subversion of the estate of the Queens patentees, (meaning his dearest lady and freind the Countess of Warwicke,) and therefore this lord should use his petition to the Queen if hee would have any; which referment of his is entred of record in the booke of orders of that Court; whereby Certificate was never made.

Liber ordinum in
 fine termi Michis
 37. et. 38. Eliz.

A marriage at this time went on between Thomas the only son of this lord and Elizabeth the only child of St George Carey knight marshall, shortly after lord Hunfdon and Chamberlaine to her Ma^{tie}. To whom a breife collection with the orders annexed of all these proceedings was delivered; hee undertooke with the Queen, and effected it: The cheife Baron by like art, as hee had delayed, deluded the said writt of error: And after, this lord turned himself to looke after other Counsells and Courses that gave at last a winding out from these irksome laborinths and perplexities.

And I remember a Sollicitor of the lord Berkeleyes in the close of that day cast before those referrees, the consideration of the Statute of the 33th of Henry the 8th, which giveth the actuall possession of the lands of persons attainted without any Office found, Saving the possession of all Strangers: which, said hee, is expounded as if an office had been found at Comon lawe: And if the office at the comon lawe had found the feisin and disseisin, yet the king could not have granted away the land before feisin, or a Scire facias sued; Inferring thereby, That noe informacōn of Intrusion at all would lye against the lord Berkeley by reason of the savinge in the said Statute: which they (not disliking) held worthy of further consideration, but, I suppose, forgott it soone after.

Cokes rep:
 Doughties case.

My desire in these relations is nothing more then to informe the now lord George truly, though with prolixity, of the passages of this his immediate ancestor in these paper warrs; whereby I will looke back to the Jury that tryed this last
 issue

issue in the 26th of Queen Elizabeth in the Exchequer against this lord, And tell him truly, as I have done in the former recovery, That they were likewise plotted |
 761 and named by the said Earle of Leicester, with the assistance of S^r Thomas Throckmerton and S^r Nicholas Poynz, (then at enmity with this l^d.) And the whole 24 names ready written were delivered by the first of them to Richard Adams of Wotton servant to the said Earles, And by him delivered to M^r Hall then undersheriffe to Thomas Baynham of Clowerwall Esq^r, as sent with them from the said High Sheriffe, with a comāndment in the name of the said Earle of Leicester that hee should ingrosse and returne them, mixed with the delivery of forty shillings then given to Hall, and some threats if hee did not: And this did Hall himself out of remorse of conscience, (when hee saw the ill effect,) make known to Humphry Alsop then solicitor to this lord, who thereupon, to continue the memoriall thereof, exhibited a bill against the said High Sheriffe and Undersheriffe for this misdemeanour in the Chancery, (not in the Starre chamber as hee should have done,) whereto they made answer and confessed the whole matter as aforesaid, this being the next yeare after the tryall; And soe it rested; Whereof the Countesse of Warwicke having notice some years after, And knowing well how deeply this packing and nomination of a Jury, (though in the Queens case,) might trench into her title, that still continued restless and in Termely agitation, Shee to damme this bill and these answeres, complained in Chancery in Michmas Terme in the 36th of Queen Elizabeth: Whereupon Hall and Alsop being examined at the suite of the said Countesse, confessed upon oath the truth of the premises, which to this day yet remaineth with the said examiner. But in regard that her title was hereby scandalized, and for other reasons, movinge the court, After order upon order, this lord Henry was compelled to bringe in the Exemplification of the said bill and answers, which hee had under the great Seale, into the Court, where it was broken and cancelled, and bill and answers orderd also to bee taken from the file and cut to peeces, w^{ch} was done: howbeit true copies were taken and sufficiently testified and cast into the Evidence house at Berkeley Castle, where they yet remaine: About fower years after, my self served M^r Hall with a Subpena to testifie his knowledge herein upon a tryall at the comon pleas barre, touching some of these lands, (whereof I shall after write,) thereby to extenuate the validity of the former verdict; what time hee told mee and others the whole matter, with all the circumstances aforesaid; And accordingly appeared, but in regard his answer had been damned by Decree in Chancery as aforesaid, the Court would not heare him upon oath, but left the consideration to the | Jury of what they had heard by this lords Counsell at the barre, w^{ch} I know did noe harme. As for Richard Adams, (who dyed shortly after,) the

Bill and Answer
in Cancell.

Ex pte Nicholson
in canc. Mich^{is}
36. Eliz.

Orders. 19. Junij.
36. Eliz: and . 6.
15. 25. Nov. 37.
Eliz.

Order. 25. Nov:
37. Eliz. in Canc:
inter Henricum
et B. que^ret Hall
et Alsop def^{ts}

762

the instrument of this unconscionable and unjust practice, returning from London to Wotton, where his dwelling was, having failed after much suite in obtaining of a protection to preserve him from divers creditors, to whom hee stood indebted, the next day after his returne dyed with thought and greife, as publickly then reported, and stands yet beleived. Neither could the fresh labour of Thomas his son obtaine more favour after his death then an increase thereby of his fathers ingagements, and his own lesse means to pay what himself as surety for his father stood also bound for; who being now also dead, after much penury, hath left a miserable male and female posterity, not of worth to divide five pounds amongst seven of them: And his wife at this day 1626. by my meanes an Almeswoman in the hospitall of Cheineis.

And to knit the Cup and Cover here together, the said Rich^d Hughes, first an Attorney at lawe and of the standing fee of this lord, then dwelling at Wotton and this lords Steward there, hee falsly turned away to this lords Adversaries with a perfidious revealing of all his ill gained knowledge; And after a second regaining, thirdly revolted; And lastly missing of his promised (at least hoped,) reward, pressed with poverty, returned from Distaffe lane and other places in London where hee had some years covered himself, towards Wotton, perished in a ditch on this side Fairford in Gloucestershire, as hath been said, where hee was found dead early in a morning; whose children, (long since in the condition of beggars,) have nothing remaining to them but the ignominy of their father; Of whome, not the least unhappy, was John Hughes, made, soone after the first recovery, a woodward of wotton, who shortly after, (grown not worth the bread hee wanted to eat,) dyed bellowing and roaring in Wotton, whereof hundreds yet living give testimony.

And to touch but light[ly] on Thomas Trotman of Stancombe, an other prime servant and trader in these practices, rewarded after the said recovery of Wotton with a baylywick and woodwards office, being at a faire in Wiltshire, and offering (perhaps in drinke) to put his foot into the stirrup with intent to ride home, sodainly died; of whose eldest son Witm, lately departed his house for debt, I forbear to write what justly is occasioned; my self dislikeing those just occasions that have through truth of story, cast mee upon soe unpleasant relations, especially wherein the person is taxed or aspersed. 763

For more assurance of the packing and plots about this Jury that tryed the said cause, heare a tre of the proper hand writing of S^r Tho^s Throkinton, directed to his loving Nephewe M^r John Tracy, (then a serv^t to the Earle of Leicester, now knight,) and

tre in castro de Berkeley dated at Tortworth. 30. Jan: 1583. 26. Eliz.

and who after had an estate given him in Rolls Court in Slimbridge, and yet liveth at Tuddington.

John Garlicke was
the bearer.
Earles of Warre &
Leicester

Old St John Tracy.

Anno: 26. Eliz.

Good Nephewe, according to my good lords desire, I have sent up a sufficient Jury for the tryall of the matter between the Queen and y^e lord Berkeley, And to the end their appearance may bee the more ready, I have sent up this bearer to attend upon them; If I had thought mine own service there in any sort necessary to the behoofe of my lords, I would not have spared my travell, thinking it unnecessary to make a greater shew of good will then needeth; And that I have sufficiently performed what I have undertaken for the apparance of the Jury it shall well appear; And least the apparance of S^t Thomas Porter should bee requisite, what pollicy I used for the same this bearer can informe you; All which I pray you informe both my good lords the Earles of Warrwicke and Leicesters, As also I pray you informe them that they are to give thanks unto S^t Nicholas Poyntz and your father, for the apparance of some of the Jury, whose names this bearer will informe you; further I pray you credit the bearer, And soe commending mee heartily unto you, and your brother, I comit you to God. At Tortworth the 30th of January. 1583.

Your loving Uncle

Thomas Throkmorton.

It is not yet three months since I talked of these passages with John Garlicke, that's mentioned to bee the bearer, of what hee had to deliver upon the credence given by this Ire unto him; It suffices the plot and pack was foule; what before is written was too true for the lord Berkeley: for the verdict of the said Jury turned him out of his ancient inheritance, And some of it, (as Cam and Hinton,) such whereof hee and his Ancestors and those who held under them had been in quiet possession, and never year or month out of possession, since the begining of these relations in the lord Robert the first of that name. |

764
Lre in castro de
Berkeley

At the same time went also the Ire of S^t Nicholas Poyntz to the Earle of Leicester himself, wherein hee intimateth that convenient means is now offered, by change of Officers in Ireland, to benefit M^r Throkmorton of Tortworth, than whom an honefter man liveth not, very wise to govern in place of Justice, and is intirely your lordships: I write the very words of his proper hand writing, The rest need not; It sufficeth hee was an old Courtier, And wholly also the Earle of Leicesters, And dyed in fewe weeks after.

In

In these times also, was one Edward Andrews of the county of Leicester, an utter barrester of Graies Inne, of Counsell in these and other suites with this lord Berkeley, who was wrought to bee false to his Client, and to make known before hand his Evidence and breviats to the adverse party; which as M^r Alsop hath told mee, yet living and then this lords follicitor, and the discoverer thereof, hee did to have the said Earles favour in his own great and tedious suite with the lord Cromwell for the manor of Allextun in that County, wherein at last, (out of the wilines of his own brain,) hee was overtaken with los of the Land, after that fower or five verdicts formerly passed for him; which case is reported in print by S^r Edward Coke in the second part of his reports.

Cokes rep. 2. pts
fol: 69^b
Burtons descrip-
cion of Leic^r Shire
fol: 10: 11.

And heere, (though somewhat out of place and order,) may bee remembered the often references that were to freinds, and their meetings thereupon, to have (by way of arbitrament) determined these suites, aswell before as after the second recovery; As to Phillip Earle of Arundle, Thomas Earle of Suffex, lord Chamberlain, and S^r Christopher Wray, cheife Justice, for this lord Berkeley; And to Henry Earle of Huntington, S^r Christopher Hatton, and Judge Anderfon, cheife Justice of the Comon pleas, for the said Earles; and of their often meetings and hearing of Counsell on both sides, at Ely house in holborne, at Leicester house in the Stran, And in the Inner chamber of the Starchamber, and other places: and how upon the death of the said Earle of Suffex, which happened in June 1583, A^o 25. Eliz., this lord Berkeley chose Henry Earle of Northumberland, who also after divers meetings concluded of nothing: And foe breaking off, the tryall went forward in the 26th of Elizabeth, at the Exchequer barre, whereof it now followeth that I write; with this remembrance to posterity, That these meetings of foe great lords were solicited and procured by the personal travell of the lady Katharine this lords Wife, of whom I have after to write. |

Annis. 22. Eliz.
et. 24. Eliz.
et. 25. Eliz: 1583.

Leic^rs comon
wealth fol: 33. 43.
59. printed: 1584.

Div^a munimenta
in castro de
Berkeley.

Having somewhat outrunne the order of time, the better to avoid such fractions as the multitudes of suits and occurrences that came together would otherwise have cast mee into, I now returne to declare, That amongst the manifold lawe-suits of this lord Henry, none was of greater consequence, nor wherein his honor more suffered, then that for the Tythes of Oldminster in Hinton within the parish of Berkeley, between himself and the said Thomas Throkinton of Tortworth Esq^{re}, after knight, father of S^r William the now Baronet; nor prosecuted with more violence and discontent both between the parties themselves and also their follicitors and servants; which took begining about the Twentieth of Queen Elizabeth. **This**

765

Annis: 19. 20.
Eliz:

lord

lord was in possession of the lease thereof as administrator to the lady Anne his mother, who about two years after the death of the lord Thomas her husband, did, in the 28th yeare of king Henry the 8th take a lease thereof from one Burton then Abbot of S^t Augustines by Bristoll, for threescore years, at eight pound rent, who, the next year dying, Abbot Morgan him succeeded in that Monastery; In whose government two years after, that Monastery was by king Henry the 8th dissolved, And three years after that, by the said king, converted into a Bishoppricke, Deane, and Chapter, as formerly I have written; from which lease, (not expired at the time of this suite,) this lord Henry made his title; And S^t Thomas Throkmerton claimed by a lease made by the said Deane and Chapter in the time of Queen Elizabeth in reversion of the former lease: The suits raised between them were many, and in most of the Queens Courts together, whereof the Starre chamber in the 22th and 23th of Elizabeth was at one time possessed with thirteen severall bills, The kings beanch and Comon pleas with twelve, And the Chancery had her share: Tryalls by Jury both at the barre and Westminster and in the proper County at the Assises were more then too many: Inditements for riots and forcible entrie at severall assises and Quarter Sessions, held at Gloucester Cirencester and Tewksbury, were almost numberles, wherein at one time in sower inditements forty of this lords servants were indited and fined: The successes of both partes were variable, but much the worse fell on the part of this lord and his forwardest servants, who much smarted by censures in the Starchamber; wherein over many of them, (whereof their children and themselves yet complaine,) were (otherwise then this lord had promised by his tres,) left to themselves and payment of their fines, And this lord to the losse of his lease for all the years hee had to come: | And yet, without doubt, the title of this lord thereunto was good and unavoidable, had his Solicitors understood as they should: The maine question, upon issues joyned between them, was, dimisit, or non dimisit; whether Abbot Burton made such a lease to the lady Anne Berkeley, or not: Sir Thomas Throkmerton surmising, That if any lease under Burtons name were at all made, it was made by the kings Commissioners without any authority after the dissolution of that Monastery, which in that year wherein this and other Monasteries were dissolved, was too often practiced; And that noe possession was had by the said lady Anne till after the dissolution; proofes of which surmises, hee had none at all that were direct, And taken in their best condition were but weak probabilitities, uncertaine and in themselves meerly false: Howbeit (whereof I would not write but truth enforceth, (for I hate to scratch the dead) this lords cheife Solicitors that then in this County of Gloucester governed his affaires, (himself and family then abiding at Callowdon,) were Henry Grantham, a better Italian then lawyer,

ire dated at Cal-
lowdon. 1 Aug:
1578. A^o 20. Eliz:

766

Hill. 22. Eliz: ro^t
596. in banco.
inter Thom:
Throkm'ton pl:
et Bourcher
defendant.

lawyer, And Anthony Huntley th'elder, then also in the beginning of these suites his high Steward in this County, whose false orthography in more than an hundred of his tres yet in Berkeley castle will assure all that read them that hee understood not a line of latin; who used to keep his Courts with a white feather in his cap, and to read his charge to the Jurors at the Courts hee kept out of his papers; A man fitter for ffaires and Markets of Cattell and sales of wood, wherein hee had good skill, then to grapple with foe watchfull an adversary in the combates of Littleton, who knew how to take all advantages, but to give none. **As for** Humphry Alfop aforenamed, (yet living,) hee was then an unexperienced young man, and in Trinity Terme in that 22th yeare first preferred into this lords service, from being a Clarke to M^r Lewkner then this lords Steward of Bosham manor in Suffex; All w^{ch} took their directions, (when they pleased to travell foe farr as Glouc^r for them,) from old Thomas Denys, (father of him of the same name that yet liveth there,) a true hearted gentleman to this family, (though neither read nor practised in these affaires,) then receivour of this lords Revenue, and allyed to him in the fourth degree, of whom I formerly made a double mention; **And** to have proved the issue | whereupon the lease was lost, this lord Henry then had amongst his Evidences both the lease of Abbot Burton under the covent seale subscribed with his own hand, who dyed two years before the dissolution, And five or six Acquittances for each half years rent both under the said Abbot Burtons hand, and Morgans his successor, upon whom the dissolution came, with a constant unquestioned possession to the very time of these suits: of which lease it self and the acquittances these ignorant Sollicitors were ignorant, relying only upon testimony of Witneses, viva voce, which after forty three years could not bee certaine or direct; **In my** fortings of the evidence of this lord, finding those and other evidences, (which in all Tryalls this lord Henry was still urged to shew forth or directly to prove,) And which done (as done it might have been) had ended the controversy And knowing that the charges of suits And the payments of fynes cost this lord above—1500^{li}, besides the losse of the lease and the dishonor which these overthrowes cast upon him, And the damage done to freinds whom this lord embarked in these suits, and consequently lost; **And** also how the estates of many of his tenants whom the said sollicitors led into ryots were never able to pay the costs of suite damages fees and fynes, wherein they were condemned, and wherein they were left to themselves, as hath been said: And knowing also how this politick gentleman S^r Thomas Throckmton, by many wily devices, put on the foresaid Exchequer Information of Intrusion in the 22th of Elizabeth with the Earle of Leicefter, as a diversfary means to shorten his own suite, wherein this lord received one of his greatest losses; knowing, I say, these

Anno: 1618.

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768 these and other crosse accidents after happening which hence took fapp and rooting, I cannot but bewaile what's past, And for the time to come advise the now lord George and his heires after him, to serve themselves with wise and understanding men, trained up and professing the same faculty; (my selfe already entred into the suburbs of my grave, and a derelict of that profession :) for if the Sollicitor bee not at home with himself, If ignorant or careles, Counsell that are strangers to the cause and must take up their knowledge at the second hand cannot bee instructed; neither can breviats for them (especially in matters of title) bee drawn really and to life, wherein much of good successe in each tryall consisteth; I could never in this later half of my life perceive otherwise but that the | life or death of the suite, as well in instructions for pleadings, as for evidence, was in the Sollicitor: His following, his sollicitation in all Courts, especially in the English, maketh or marreth; yea often in a bad cause it gaineth, and in a good, looseth; Let others think what them listeth, I write what I have seen eaten and digested; Clyents witnesse Jurors Counsell and Judges, are men and noe angells, the sons, as the poets allude, of Prometheus, not Epimetheus, neither will bee otherwise soe longe as men are men, neither may a paradise bee expected to bee where any man may innocently fall by the lawe, As by ignorance or misprision; by his Attorney or Counsellor; by practice or combination of the adversary; by perjury of witnesses; by forgery of Deeds; by subornacōn or corruption of witnesses Jurors or officers in Courts: by affection, inclination, or corruption of the Judge; and by many other by and black ways, whereof many men have made experience, in lesse or greater measure, sufficiently verifying what I write.

After such time as a reconciliation was wrought between this lord Henry and Sir Thomas Throckmorton in the later end of Queen Elizabeths raigne, by the means of his wives father S^r Richard Berkeley; In the first seaven years of king James that now is, what time hee did good offices towards this lord in his suite against the lord Lisle, And was to mee an intelligencer of times passed, I often talked hereof, both with this lord Henry and with S^r Thomas, And told them at severall times, what evidence I had found, and bound up togeather with the former unhappy papers, which both of them seemed earnestly to wish they had at first, or before the suits, been found; for then, (said this lord Henry,) I had saved many waies much, and kept my lease and prevented other mischeifs that fell upon mee, and my house. And, quoth S^r Thomas, I had then saved what I spent in these suits, more by one thousand pounds then the lease I overthrew was worth; besides that some great freinds of my lord Berkleys deeply afterwards revenged his quarrells upon mee in
other

other law suites I had ; and opposed my preferment at Court with y^e Queen ; |
 with other like words on either part : **And** both of them blamed the provocations **769**
 of their servants ; And (as this lord then told mee) the reprochfull words cast out
 by S^r Thomas Throckmorton against Henry Grantham, calling him bottle nosed
 foole, wherein hee reproched the worke of nature in his face : And objecting to
 Anthony Huntley, beggarly and the illegitimation of his birth, with rudenes of con-
 dition ; And taunting the youth, forwardnes and religion of the said Humphry
 Alfop, soe overheated the two former, That they multiplyed suits against Sir
 Thomas like the heads of Hidra : Soe farr forth suffering their passions to transport
 them, That instead of rakes and Sheafpikes to gather Tithe in Harvest in the 22th
 of Elizabeth, they carried their workfolks out of Berkeley Town armed with fwords
 and bucklers, halberds and such like weapons ; By which improvidence they gave
 great advantage to their adversary, whose warines quickly apprehended it, And cast
 upon forty of themselves, the fortune to bee justly endicted at one Sessions and fined
 for their folly. **And** afterwards when the right of the lease in point of title came
 to receive tryall at the kings bench barre, This lords said Sollicitors thought it
 sufficient to give in Evidence fower or five witneses, (of hearfay and credibly
 beleiving,) exemplified under the great Seale ; And never looked at or after those
 materiall proofes, (omni exceptione maiores,) before mentioned ; Nor into the certi-
 ficates, Nor Surveyes of those Commissioners employed by king Henry the 8th at the
 dissolution of that Monastery, Nor into the accompts of the lady Anne Berkeleys
 receiver in the first fower years of her lease, Nor afterwards in the Court of Aug-
 mentations till the erection of that Bishopricke, Deane, and Chapter, where they
 might have found both the lease proved, and the rent also each half year paid.

Hitt : 22. Eliz.
 rot : 596. in banco
 regis.

After the said Tryall at lawe at the barre in Ester terme in the 22th of
 Elizabeth, those two Sollicitors, Grantham and Huntley, complained to this lord
 of the partiality of the Jury, wherein they further erred, for they should have
 complained of the indiscretion and insufficiency of themselves, as meerly unable to
 make head against soe powerfull and plotting a gentleman as they had to buckle
 withall ; And I have heard the said Humphry Alfop, (who after grew to a better
 understanding in the lawe suites and tenures of this lord,) expressly censure Grant-
 ham and Huntley out of his knowledge | to have both foolishly and insufficiently **770**
 followed these causes : which Alfop shortly after did this lord Henry good service
 in causing him to depart from a proposition made by the Earle of Leicester, closely
 put on also by Sir Thomas Throckmorton, for an exchange of these and more lands of
 this lords in the county of Gloucester, parcell of his Barony of Berkeley, for longe
 Itchington

Banco regis
 22. Eliz : Hitt :
 rot. 596.

Anno. 1581. 22.
et. 23. Eliz.
Itchington and other the said Earles lands in the County of Warwicke, which was likely by their wilines to have taken effect, whilst this lord Henry and his lady lay at Ivy-bridge, at that time commanded by Queen Elizabeth to attend the cominge of Monsieur out of ffrance ; An attendance which in thirteen weeks cost this lord and lady two thousand five hundred pounds.

Pasch. 19. Eliz :
rot 324. et. 224 in
banco regis.
Before these fuits began there were some others precedent concerning certaine Trees which Sir Tho. Throkinton had cut down upon his lease of Appleridge by newparke, which hee held of this lord for one and twenty yeares by a demise in the 12th of Eliz ;, raised somewhat harshly against him, those times considered.

Annis. 29. et. 30.
Eliz.
And after these fuites, (as a fiery comet drawes her taile,) pulled on many more, for huntings in this lords parks by S^r Thomas and his fervants and others in relation to him, which in the Starchamber and Marches of Wales were not quenched of seaven years after.

And besides, when, upon a spetiall verdict given, the said S^r Thomas Throkinton perceived the Court upon the first argument or reading of the record to encline against him, hee corrupted one Green, (as this lord Henry then charged him, and like enough to bee true,) his then Attorney, to suffer Judgement against him for want of looking after ; Notwithstanding the Court in favor of this lord and of that cause, whereof they had well conceived, gave rule upon rule for divers termes together.

Hum : Alfop
Tho : Dennis

771 **And** two of these Sollicitors, (as this lord longe after told mee,) caused to bee burned in his chamber in his presence, a great bundle of Court rolls Accompts and other Evidences, as seeming hurtfull to that title ; which in the 26th of Elizabeth (formerly menconed) was in the Exchequer tryed against him ; and especially about the Leet of the upstarted hundred of Wotton ; whereas to one that | knew how to handle those weapons, they were stronge defences in his hands, and to have been turned to the adversaries reproofe ; As some of the like kind which escaped that fire were in the first six years of king James, as after will appear.

This I know, that as I once expostulated this unadvised martirdom of those evidences with one of those Sollicitors, who yet liveth, whose advise especially condemned them to the fire, which hee could not then defend, Soe I now misse them for the more compleat enlargm^t of these relations in the lives of those lords that lived

lived in the time of king Henry the sixth, Edward the fourth, and king Henry the seventh : And to make more apparent for much of these former passages, (which, with dislike, I confesse to scrape somewhat harshly upon the dead,) I have within two years last past into the evidence house at Berkeley divers breviats, notes, tres, and copies of Lres, written by this lord, Sir Thomas Throckmorton, Sir Nicholas Poyntz, and others, to Judges, honorable freinds, Officers and servants, received from John Garlick, in their times specially employed by Sir Thomas Throckmorton, whose solicitor and underherrsche hee was ; and principally also employed in those affaires under Sir Nicholas Poyntz his first master, who (as his tres declare) made himself a freind and party in favor of Sir Thomas Throckmorton against this lord Henry ; and lastly was servant to this lord Henry by my preferment, as Clerk of his Kitchen at the time of his death, and yet living at Tortworth ; which make good all and more, (eiusdem farinae, of the like course bran,) then is formerly written ; two of which tres, the one from Sir Thomas the other from Sir Nicholas, I have inserted verbatim a few leaves before.

Anno 1616.

Anno. 1618.

fol: 763. 764.

After Queen Elizabeth had in the 26th of her raigne granted to the said Earles of Warwicke and Leicester and their heirs (amongst other lands,) the third parts of the manors of Came Hinton and Slimbridge, as before is written, They in the year following brought against this lord a writt of Partition, to have the said Third parts of the said Three Manors allotted to them in severalty ; whereto this lord pleaded, non tenet infimul et proindiviso, And upon tryall at the comon pleas barre the Jury gave a speciall verdict, which being of length, (this lord nothing hastning himself in a bad market,) the Earle of Leicest^r, before it could bee entred of record, dyeth the fifth of September in the thirtieth of Elizabeth, and soe that suite abated : Howbeit to the end that that verdict might bee in one kind or other of record, A bill was afterwards in the 42th of Elizabeth exhibited into the Court of Wards by the said Anne Countesse of Warrwick against this lord Henry and others, wherein this longe speciall verdict was made an I[n]terrogatory, (the longest I think that ever was,) And M^r Scot the prothonotary, M^r Waller then his Secondary, (now in like office to his master,) and M^r Ethrington a clarke of that office, were examined thereupon as witnesses ; by that means to make the same of record to posterity, which afterwards the said Countesse exemplified under the Seale of that Court, and is now amongst the lord Berkeleys Evidence in Berkeley Castle.

Triñ. 28. Eliz : roñ
639. in Scots
office

Anno. 1588.

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Anno : 42. Eliz :
in Cu^r. Wardorum

And truth bids mee tell this family from the mouth of the forenamed Humphry Alfop, then this lords Sollicitor, and of old William Bourcher then his Attorney in this

this Exchequer Court, That upon this tryall in the 26th of Elizabeth the Queens Counsell at the barre waved all the quilllets, saying they would give noe evidence for them ; Howbeit by practize and greatnes becaufe they were in the Information they were foisted into the verdict, which themselves drew up and entred of record, whereby without any evidence or verdict given, Judgement was entred, and this lord turned out of Corriets, Holts and other parcells, which hee could never help ; Whereat let those only marvaile that knew not the parties, pl^t and def^t, nor what time and Court greatnes can doe in the Exchequer court in the kings cafe.

Hill: 39. Eliz : ro^t
327. in coi banco.

vide antea fol :
8. et 81.

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Now these lands with many others after the deaths of the said Earles of Warrwick and Leicester came to the said Countesse of War^r and her heirs, I have before written ; who desiring as the said Earls had done to have the said third parts of the said three manors of Cam Hinton and Slimbridge set out in severalty from this lords other two parts, thereby the better to make her profit, sh^ee likewise in Hillary Terme in the 39th of Elizabeth, brought a writt of partition against this lord, who pleaded as before a non-tenure in co^mon ; the Jury at the barre the 22th of November in the 40th of Eliz., being all knights and Esquires of remarkeable houses, found specially as the former Jury had done twelve years before ; After argument by Counsell on both sides Judgment was given, That partition should bee made for the third parts of the two manors of Cam and Hinton, but not for the third part of the manor of Slimbridge, wherein the law fell out for this lord : At which tryall | was this lord Henry himself, accompanied with his brother in lawe the lord George Hunfdon lord chamberlaine to her Ma^{tie}, and others ; As also were many honorable persons on the behalfe of the said Countesse : The evidence at barre lasted from eight in the morning till fower in the afternoone, nothing I think left unurged or defended that art or learning might afford, or at Barre or Bench bee uttered : The Sollicitors on both sides had the publicke commendation of the Court and of the parties, wherein though this lord Henry prevailed only for Slimbridge, yet

————— Careat successibus opto,
Quisquis ab eventu facta notanda putat.
Ever let him want an hopesfull happy end,
Which by the issue, doth the Act co^mend.
The event is noe just mete-wand of mens endeavours.

One of which Jury was ffrancis Heydon, an Esquire dwelling in Hartfordshire but a ffreeholder in the County of Gloucester, (as many others were resident in seaven other Counties,) fometimes a Counsellor at lawe, which was not unknown to this

this lord Henry nor his Sollicitor, And therefore had been challenged, (upon other suspicion of not standing indifferent,) but that one Wilm Cotton, a gent depending wholly on the said lord Hunsdon, undertooke for his indifferency yea and favour as for his own soule, for soe to my self were his words when I told him the causes of my suspicion of him; whereto againe hee replied, That if hee were challenged wee above measure weakened our tryall and good hopes, And that for him hee would undertake at his perill, with other like confident words, wherein I assure my self hee meant faithfully, though hee was extraordinarily deceived: But surely many of this Jury were beforehand acquainted with the cause by both parties, which was not unknown to either side: After their departure from the barre and longe debate amongst themselves, they all agreed to find for this lord Henry the tenant a non tenet pro indiviso generally for all the three manors, whereto this M^r Heidon gave consent with his fellowes: Howbeit telling them That to find specially as hee would draw it up in notes would amount to as much for this lords benefit as a generall non tenet would, And soe also should they deale respectively towards the memory of those Jurors who had in former tryalls found otherwise, And | also more modestly 774 towards themselves in not taking upon them over boldly to determine the lawe in points that seemed somewhat doubtfull, And also lesse offend the loosing party: whereto they assenting, hee purposely (doubtles having the same formerly prepared,) soe drew up the note of their verdict That the law fell out against this lord for Came and Hinton, as hath been said; And soe (by his advantage of learning) abused the truth of his own conscience, and of all his fellow Jurors: ffor which Tracy, (now baronet,) Pleadall, Lambert, Carter, and Webb, Esquires of good understandings, his fellows in that Jury, termed him a devill in their joynt and particular conferences afterwards with mee and some others, gentlemen; with whom many years before and after I familiarly conversed, And with the sisters daughter of M^r Webb, after maryed.

In Hillary Terme in the 41th of Elizabeth went out the writ to y^e Sherriffe, then S^r Edward Wintour of Lidney, to make partition of the said Manors of Cam and Hinton, which hee in person began to execute assisted by a substantiall Jury the 27th of March, continuing his paines therein till Ester Terme, with such uprightnes as I could not in all that time, though daily present, observe to whether party hee inclined; yet was hee challenged from of the principall pannell in this tryall for kindred by his wife, daughter to the Earle of Worcester, to the demandant; The verdict of which Jury, which containeth a perfect Survey of these two manors, resteth filed in the office of the said Scot the prothonotary.

Terme Pasch
41. Eliz.

The

Trin: 41. Eliz: The next Terme after, this lord brought a writ of error removing the record into the kings bench, hoping to reverse the Judgement formerly given for the third parts of Came and Hinton, and assigned errors which were in Ester Terme in the first year of king James that now is, argued by M^r George Crooke and M^r John Dodderidge, (after Judges in the same Court,) and S^r Edward Coke then Attorney generall, (after lord cheife Justice and Counsellor of State,) for this lord Henry; And by M^r Thomas Stephens, (after Prince Henries Attorney,) and Serjeant Tanfeild, (now lord cheife Baron,) for the said Countesse of Warrwick: In Trinity terme after, the Judges themselves purposed to have argued but that Terme was adjourned in regard of the plague then | raginge in London, And also the greater part of Michmas Terme was cut off for the same cause, and the residue adjourned to Winchester; whereupon the Judges were againe moved to have argued in Hillary terme following, which was prevented by the death of the said Countesse the demaundant, happening on the ninth of ffebruary; whereby the said writ of Error abated.

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Term: Mich^{is}
1. Jac.
Hill: 1. Jac.

Sept. 1. Jac. And, (as by office after her death found in Her[t]fordshire in Sept^r following appeared,) all the Manors and lands formerly mentioned to bee recovered upon both the said Informations against this lord Henry, were by her conveyed to Sir Robert Sidney then lord Sidney, after viscount Lisle, and now Earle of Leicester, and his heires; Against whom this lord to the utmost of his Strength pursued his Westminster hall warrs, hoping to change his fortunes with the change of time and persons; The said Countesse having charged those lands with payment of Thirty pound p añ for ever towards the releife of twelve poore men and women in her hospitall of Cheyneis, whereof it is of late agreed, That two men and one woman shall perpetually bee taken from this lords markett town of Wotton and succeed one another.

Carta sub sigillo
in Castro de Berk:

As well at the death of Queen Elizabeth as at the death of the said Countess of Warrwick, eleaven monthes after, were divers suits in divers Courts depending, not only between this lord Henry and the said Countess in their own names, but in the names of their freinds tenants and servants also; whereof one was brought by my self against John Denton and Thomas Horsman, two under baylies to the said Countesse of her pretended hundred of Wotton, wherein the issue was, Whether any hundred called Wotton hundred was within the County of Glouc., or not: They affirmed it; I denied it, whereby the prooffe rested on their parts being def^t; The other was brought by Thomas Payne of Uley against the said John Denton and one John

Banco regis.
Mich^{is} 1. Jac:
rot. 147.

Mich^{is} 41. 42.
Eliz:

John Morris another of the said Countesses underbailies of her said pretended hundred, wherein the issue was Whether that village of Uley was within the Leete of her manor of Wotton, and within the hundred of Wotton, or not; Payne, the Pl^t denied it, the def^s Morris and Denton affirmed it, whereby the Proofs also rested with them. Of both which it after followeth.

rot. 25. 56. in coi
banco.

After Queen Elizabeth had recovered the manor of Wotton, and had granted the same to the Earles of Warwick and Leiceſter in fee, | and that they had extended the same to conſiſt of the Burrow or market town of Wotton and of the ſower villages and hamletts of Nibley Sinwell Comb and Wortley, They endeavoured alſo to erect a liberty therein and to call the ſame the hundred of Wotton, and to make ſuch an hundred appendant to their manor of Wotton; wherein they at laſt prevailed, And an hundred of Wotton was really in eſſe, And an high Bayly, underbailies, high Conſtables, high Steward, and underſteward, and all other officers appertaining to ſuch a liberty were elected and erected, who executed their ſeverall Offices and places the ſpace of thirteen years or thereabouts: And the like officers of this lord Henries within his hundred of Berkeley were inhibited to intermeddle in any ſervice appertaining to any of their offices or places within the pariſhes and villages of Wotton, Simondsfall, Nibly, Bradly, Huntingford, Combe, Wortley, Sinwell, Oulpen, Erlingham, Uley, Cam, Cowley, Durlley, Woodmancote, Cromhall, Kingſcote, and Warrens Tenants in Nibley; As though thoſe Townſhips had been removed out of this lords ancient hundred and liberty of Berkeley and ſetled within this new created hundred and liberty of Wotton.

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By marriage of the widowe of John Drewe Eſquire in October in the 39th of Elizabeth my ſelf ſetled in Nibley aforeſaid, and all I could oppoſed daily in all meetings in the County againſt this Uſurped hundred of Wotton, the rather becauſe I was then become acquainted with the law ſuites of this lord, quarum pars parva fui, and his lord^ſ Steward of his liberty and hundred of Berkeley, under his fee: And not only an hundred or liberty of Wotton was thus erected, but a Court of pleas alſo for tryall of all actions every three weeks at Wotton where the debt or damage exceeded not forty ſhillings, And alſo a Court Leete or view of frankpledge of the reſiants within almoſt all of the foreſaid pariſhes and villages, to the great diſhonor and diminution of the inheritance of this lord, his profits and regalities: Againſt theſe uſurpations I oftentimes upon occaſions publiſhly proteſted, aſwell before the Judges and Juſtices of the peace at aſſizes and quarter Seſſions, as at other meetings; And ſometimes, (which I commend not,) I fell upon the perſons

Paine v^s ſus ffouch
Hill. 40. Eliz: rot.
1154. in banco —
touching this
Court of pleas.

of

of those officers and servants, telling them, partly plainly partly ironically, what dangers they cast themselves into by this usurpation over the kings subject, ministring oaths at their Courts and otherwise without authority, having neither warrant by Comission nor prescription foe to doe. By which means many Inhabitants in those places withdrew themselves, and the whole building began to totter, and much
 777 talk was of these | their and my proceedings; whereupon by direction of the said Countesse or her said learned Counsell in London, or by her officers in the County of Glouc., an action of debt, (meerely imaginary,) of a beggerly sum of sixpence was in the name of Ambrose Jobbins, a tenant to the said Countesse and dwelling in Nibley, scornfully entred against my self in the hundred Court held each three weeks at Wotton for that hundred, where they were assured I would not appeare: Somoned I was with a loud voice to appeare in the hearing of all my neighbours as I came out of my parish Church on a funday; And my man at the same time arrested at my heeles in the churchyard upon noe better a ground then the former action, by vertue of a Warrant from the Sherriffe directed to the Bailies of the hundred of Wotton: The Court day came, I appeared not; An Attachment was awarded and two of my coves taken by the said Denton and Horsman, to draw mee to appearance; for which taking and chafing of my kine I brought the said action against them, wherein the issue was as before is mentioned, I denying that any such hundred as Wotton hundred was in the County of Glouc.; And if the now lord George or his posterity shall desire to understand what proofes either party had, they to prove their Wotton hundred, I the negative that there was noe such: but that aswell the market Town of Wotton it self as all the other parishes and villages were within the hundred of Berkeley, I referre them to the large breviats which with the pleadings I have bound together and cast amongst the Evidences at Berkeley; And if they Judge the proofs overlarge in each kings time, from the Conquest to the 37th of Elizabeth, let them think that my reputation was ingaged in the suite, and the purse this lords that defrayed the charges of those searches and exemplifications; This issue was joyned in Michaelmas Terme in the first of king James, And by the def^s motion ordered to bee tryed at barre in Ester Terme following; but in Hillary terme before, the said Countesse dyed, as hath been said: The Jury appeared in Ester Terme according to their sommons, And being ready to bee called, the lord Sidney being himself in Court, prayed by his Counsell to have the tryall deferred till Michmas Terme following, for that the title thereof by the conveyance of the said Countesse now appertained to him, And that none of her Evidence that should prove this issue were yet come to his hands, with divers other allegations; wherto I did in open Court assent, foe that this lord might exhibite his
 bill

bill in Chancery | against the lord Sidney, and that hee would without proces forth- 778
wth appear and answer thereto, And that the Witneffes which then were brought up
out of the County, being very aged men, might bee examined thereupon and publica-
tion forthwith granted, All which was by the Court ordered accordingly : The bill
was exhibited, Anfwere made, and eight witneffes on the part of this lord Berkeley
examined that Terme upon Interrogatories, who depofed fully and directly to many
excellent purpofes touching Berkeley hundred and the liberties therein used, in
granting Replevins, felons goods, &c. And touching Withm Chesters divideing of
Berkeley hundred in the 37th of Elizabeth, then high Sherriffe of the County
of Glouc., and his establiſhment of Wotton hundred, not fully before created,
And of this lords tres and meſſengers to him about the ſame, and his answers
thereto, with other neceſſary matter, which otherwiſe then by this means had never
remained to the knowledge of poſterity : All which are exemplified under the great
Seale, and reſt in the evidence houſe in Berkeley caſtle, whoſe materiall uſe alſo for
other purpofes elſwhere is declared in theſe relations ; but on the part of the lord
Sidney was noe witneſ at all examined.

In the beginning of Michaelmas Terme following, the lord Sidney twice in
perſon, S^r Robert Wroth his brother in lawe, and S^r Henry Mountague his cozen,
(now cheife Juſtice,) came ſeverally to the black fryars in London, where S^r Thomas
Berkeley this lords only ſon and the lady Elizabeth his wife then dwelt with her
mother the lady Hunſdon, and earneſtly ſollicited an end of this and other like ſuits
then depending ; And at my coming to London from labouring my Juries apparance
ten daies within the Terme, Francis Woodward the ſaid lord Sidneys Sollicitor came
divers times to my chamber in the middle Temple, and in his lords name moved
mee to have theſe ſuits referred to the ending of freinds, alleadging the love that
was between this lord Henry and his lord : how kindly in extraordinary faſhion his
lord tooke the noble entertainment which the lord Berkeley gave him at Berkeley
Caſtle not feaven weeks before, And how this reference was like to draw to con-
cluſion all other titles of land between them, with the like p^rſwaſions : The end was,
That the evening next before the tryall ſhould have been at the barre, all matters
touching the ſaid liberty and hundred of Wotton, and | the Leet aforeſaid, and 779
returne of Writts, were by the over-ruling hand of S^r Thomas Berkeley and his
wife, referred to the arbitrement of S^r Thomas Foſter Serjeant at lawe and the ſaid
S^r Henry Mountague ; And as well that Jury of mine as one other which was the
ſame Terme to have appeared in the Comon pleas upon like iſſue between the ſaid
Jobbins p^r and Oty and Benyard, two of this lords und^r-Bailies of his hundred of
Berkeley,

Co^m. pleas. 45.
Eliz. rot. 637. de
ter^m Hill :

Judic: de Paschi
2. Jac: Scot

Berkeley, def^{ts}, to bee discharged. Of the Jury wherein I was pl^t, nyneteen the next day upon calling appeared; To every of whom by assent was given twenty shillings by this lord Henry and ten shillings the peece by the lord Sidney, towards their charges, and soe returned into their Country.

March: 2: Jac:
1604.

The two arbitrators met three times that Terme at the said black ffryars, and twice in the vacacōn following, and heard Counsell on both sides; At which times were present both the lord Sidney and S^r Thomas Berkeley and his wife; And after perusall of all evidence shewed on either part, and most assured I am, of all that could bee shewed for the lord Sidney, (though I kept back half at least, I mean five hundred deeds and peeces of evidence, which I had drawn together in severall ages from the Conquest, fearing noe end would have ensued in the liking of this lord Henry;) An award after much turmoiling was agreed upon and sealed, dated the fifth of March following, wherein it was awarded and declared That all the Villages and Hamletts pretended to have been within the hundred of Wotton were within the hundred of Berkeley; That there was not nor ought to bee any such hundred of Wotton in the County of Glouc: That the liberty of returne of writts, aswell within the hundred of Berkeley as within the supposed hundred of Wotton, did of right belong to this lord and his heirs: That the lord Sidney nor his heires, should not keep nor use any hundred Court, or Court of pleas, with other branches, as by the same appeareth; both parts whereof are now in Berkeley Castle.

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Upon the conclusion whereof, the bailies high Constables Stewards and other officers of the said Hundred of Wotton and Courts thereof, by verue of the lord Sidneys L^{tes} sent to them, (whereof I had the cariage,) surceased their places and all further intermedlinge: And thus was the fall and ending of that pretended liberty leet and hundred of Wotton, and of all the officers and Ministers thereof, which had for twelve years | or more extreemly troubled the Country at each assize and Quarter Seffions, and in eight or ten bills at least before the Counsell in the Marches of Wales: And the lord Sidneys receivor had direction to pay mee for my two kine, And the said Thomas Payne for two young beafts of his, for which hee brought his foresaid action: which was performed.

Hill: 40: Eliz:
rot: 1154. in
cōi banco.

This Thomas Payne brought, in behalf of this lord, one other action against John ffouch an underbailly to the said Countesse, for breaking his house at Uley within the hundred of Berkeley, and thence taking away his gelding; Wherein the issue was, Whether Paynes house in Uley was within the hundred of Wotton or not:

not: In this fuite, a replader was awarded, and afterwards a demurrer : Afterwards, by unusuall pleadings, this matter came about againe, And in the end Payne had Judgment upon the former issue : In this fuite the labor was laborious and costly, as the large breviats, foe plentifull of records and proofs on Paynes part, which remaine in Berkeley castle will witnesse.

Michis : 43 et 44.
Eliz : rot : 2447.
in cōi. banco.

In the times of the former suits the said Countesse of Warrwick exhibited her bill in the Court of Wards against this lord, Humphry Alfop, and my self, touching a supposed rasure of a Deed of the Manor of Slimbridge, made by Alice de Berkeley the widow of Maurice the first unto Robert her son and heire, whereby shee destroyed the guift of frankmarriage of that manor ; wherein witnessees were examined, and much labor and money spent, And in the end dismissed ; whereby the title of this lord Henry to that manor was the better strengthened. And in the five last years of Queen Elizabeth were many other suits in severall Courts, put on aswell by this lord Henry as by the said Countesse, both in their own names, and in the names of their freinds, servants and tenants, both touching the said upstart hundred of Wotton, and other their possessions ; As the said Ambrose Jobbins was pl^t against James Oty and Thomas Benyard two of this lords underbailies of his hundred of Berkeley, wherein after issue joyned, which was whether a place in Nibley called Moore close, wherein the def^t distrained the pl^ts oxe, was within the hundred of Berkeley or not ; and the apparance of seaventeen of the jury at the comon pleas barre the 2th of May in the second year of king James, the pl^t before evidence became nonsute, and paid costs. |

Trin : Terme. 41.
Eliz : in Cu^r
wardo^r.

See fol : 771. 772.

Hill : 45. Eliz :
rot : 637. in banco
michis. 42. et. 43.
Eliz :

In the 39th of Elizabeth, Thomas Crofts of Arlingham who is by custom perpetuall tythingman of that Township, by the instigation of the Countesse of Warrwick his landlady, brought an action of trespassse against William Atwood this lords Bailly of his hundred of Berkeley, for entring his house and taking thence his goods : Atwood answereth That the pl^t dwelling within the leet of Berkeley hundred was thereat amerced for non-appearance, for which amerciament hee entred his house and distrained, as was lawfull for him to doe. Atwood died in January the next yeare, by whose death that fuite ended.

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Hill : 39. Eliz :
rot. in banco
regis. Glouc :

And the said Countesse of Warwick was pl^t in the kings bench against Thomas Williams another of this lords underbailies of his hundred of Berkeley, in an accōn of the case, for infringing her supposed hundred and liberty of Wotton ; wherein a non vult prosequi was had against her, and costs of fuite awarded to the def^t which shee paid.

Mich : 38. 39.
Eliz : Glouc : rot.
313. in banco
regis.

Also

Paſch. 41. Eliz :
Glouc : rot. 331.
in banco regis.

Also the ſaid Counteſſe of Warrwick was pl^t in the kings bench againſt William Davis this lords high-baily of his hundred of Berkeley, in an acc^on of the caſe for his entries into her hundred of Wotton, in execution of his office as Baily of the hundred of Berkeley, wherein ſhee after much ſtruggling, fearing tryall by Jury, entred a non vult proſequi.

Paſch. 40. Eliz :
rot :

Also this lord Berkeley, in the fortieth of Elizabeth, was pl^t againſt John Denton an Underbaily to the counteſſe of War^r of her ſuppoſed hundred of Wotton, for ſerving of proces within his hundred of Berkeley, whom this lord puniſhed by that action.

Pa : 2 : Jac : in
banco regis, et in
a^t ter^m 1. et. 2.
Jac : in banco et
in banco regis.

Also, in the firſt and ſecond years of king James, Richard Browne of Cam and Edward Trotman of the ſame, John Andrews and others of Cowley, tenants to this lord Henry, were pl^s ſeverally againſt the f^d Denton for entring their houſes at Came and Cowley, ſomoning them by vertue of his office to appear at the Affiſes and Quarter Seſſions ; at what time my ſelfe in Trotmans houſe was holding the Halimot Court of that manor ; which hee juſtified as Baily of Wotton hundred, and that Came and Cowley were within the ſame hundred : **In** which times the wily officers and freinds of the ſaid Counteſs cloſely endeavoured the inditing a Sollicitor of this lords at Glouceſter Affiſes upon the Statute of 8. Eliz : cap. 2. but prevailed not.

Stat: 8: Eliz: ca: 2.

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Which Sollicitor, (ſtudying for mettall of the like refining the better to | repay his debt with like coine,) obſerved that one John Goodman, an ancient Barrifter of Lincolnes Inne, who had for divers years been a ſollicitor and of Counſell with the Earles of Warrwick and Leiceſter in their ſaid ſuits againſt this lord, and after ſteward of their Courts, had for divers years been neglected and of late diſgraced by one of thoſe officers under the ſaid Counteſs, repaired privately to his Chamber, and at laſt ſoe fairly agreed with him That hee became of Counſell with this lord Henries ſon and heire ; and ſoe well conceived of the language which this lords ſaid Sollicitor uſed, That ſhortly after hee gave him leave to ſearch, aſwell amongſt the papers in his ſtudy at Lincolns Inne, which were very many, as at his houſe in Hartfordſhire, from whence a ſervant of that Sollicitors brought at ſeverall times a great Cloke-bag-full of Deeds under ſeale, exemplifications of records, accompts, courtrolls of thoſe Manors ſoe recovered of this lord, breviats prepared for Counſell and other mynuments, with many tres and copies of L^res, copies of Accompts of the ſaid Earles, lawe charges againſt this lord, and notes of what rewards the ſaid Earles

Earles of Warrwick and Leiceſter gave to every Juror that tryed that iſſue in the 14th of Elizabeth againſt this lord Henry ; whereby the evidence houſe in Berkeley caſtle is reſtored to what it had formerly loſt ; And theſe relations the more enlarged and better warranted then otherwiſe they could have been in thoſe works of darkneſs thereby made manifeſt to this family.

And it may not bee omitted, That the ſaid M^r Goodman and one M^r Nuttall the two Stewards to the ſaid Earles of Warrwick and Leiceſter, at the firſt Courts of Recognition which they held after the ſaid recovery, did by direction of the ſaid Earles draw into their hands from each tenants of thoſe lands and Manors not only all the leaſes and Copies which any of them had by grant of this lord Henry, but alſo all the Deeds Court Rolls and other evidence they poſſibly could get wherein the name of Berkeley was mentioned, with intent to extinguiſh the memoriall thereof from out of thoſe manors for ever, as M^r Goodman ſaid ; which being near fower hundred peeces ſoe drawn in are now by the divine diſpoſall of the Almighty in the poſſeſſion of this lord Henrys grandchild, whereby his name is by that their act the more perpetuated to poſterity ; And not one tenant now living | holding any parts of thoſe manors that hath not that name of Berkeley in the forehead or frontiſpeece of ſuch their leaſe or Copy : whereas on the other part there is not one Lymme diſcended from the loynes of either of thoſe Earles to piſſe againſt a wall ; And the booke alſo by them then made ingroſſed in Vellam, with all their glorious titles in Rubricks and guilt letters, is now likewiſe in the evidence houſe of this family.

See after fol: 838.
839.
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About this time alſo it was, That the ſaid Sollicitor obſerved in this lord Henry (then in the 70th year of his age) a diſpoſition to caſt off all further ſuits in lawe, and to leave theſe titles to his ſon and poſterity ; which to prevent, the ſaid ſollicitor obtained of his Lo^p to draw to a Conference at Callowdon two or three of his freinds and as many of his Counſell, with ſome other of his officers ; before whom the ſaid Sollicitor opened ſuch new matter not before known or given in evidence in any former tryall, as this lord, by their unanimous advice, reſolved to call againe the wholl lump of all that had been loſt by him into queſtion, by ſeverall actions according to the diverſity of his titles ; And to begin with the manor of Sages ; And thereupon made a leaſe for years to his ſervant John Machin, for the bringing of an accon of Ejectione firmæ in the Comon pleas for part of y^t Manor againſt Edward Beard, a Copy hold tenant of parcell thereof under the ſaid Robert Sidney viſcount Liſle ; who pleaded not guilty : wherein to the Jury at the barre were

Sages.
Paſch : 3 : Jac :
rot : 744 in Com
banco.

were delivered more then three hundred peeces of evidence in that six hours the tryall lasted ; whereat were present both this lord and the said viscount Lisle, with divers honorable personages which came as freinds to the hearing thereof ; wherein the pl^t Machin recovered ; At what time S^r Thomas Walmesley one of the Judges of that Court, speaking as much almost at the bench on this lords behalf as any of his Serjeants at the barre, gave this for answere publickly, That having been of this L^d Berkeleys Counsell from the 13th of Queen Elizabeth, and thereby privy to all the passages of his suits till hee was made Judge, hee held himself bound in conscience to direct the Jury as hee did, which was a great furtherance of the Verdict : At what time this lord towards the end of the Evidence demanded of his said Sollicitor where hee thought the verdict would bee ; who answered, wee are beaten from all our discents whereon wee mainly relyed, and have cast it upon
 784 equity and the deeds of dures, And therefore the Jury may goe either way | with safety ; Then, quoth hee, I shall the better judge of your labors and my Countries love if I have the verdict ; as the next morning hee had.

Paſch : 5 : Jac.
 rot : 20. in banco
 regis.
 Mich. 4. Jac : rot.
 547. in banco
 regis.
 Hill. 4. Jac : rot.
 6. in banco regis.

After Judgment was given upon that verdict, the lord Lisle brought in an Attaint in the kings bench against the Jury, being much unsatisfied with their verdict, wherein after some strugling a Jury of knights and Esquires was returned ; which Attaint having depended two years was discontinued by him, though this lord Henry and the first Jury urged him by many provocations to proceed, which noe doubt out of prudent grounds and observations hee thought not fit to doe, hee being in his own person a very able lord and a dilligent follicitor : The Evidence house in Berkeley castle will witnes to after ages the preparations towards the tryall in the attaint by severall forts of Collections from lawyers, Antiquaries, Sollicitors, and others, and what forts of breefes for lawe, presidents, reason, fact, and equity, were delivered to each of the petite Jury, and by them to others, containing also the reasons that moved them to give their verdict for the pl^t, as they did.

Pa : 4 : Jac :
 in Cancell :

This lords now thinking the times more opened towards his titles, resolved to loofe as little thereof as hee could ; And thereupon exhibited his bill in chancery against the said viscount Lisle, setting forth That in the 12th of Elizabeth and longe before hee was seized of the Manors of Simondsfall, Wotton, Arlingham, and Sages, the third part of the manors of Cam and Hinton, and of lands called Holts, & Corriets, and divers others in the County of Glouc. ; That about the 15th of Elizabeth the Earles of Warrwick and Leiceſter wrongfully entred into, and expelled him out of the same ; And that they have since levyed or caused to bee
 levyed

levyed divers fines of the premisses, thereby to barr his right and title ; Into which manors and lands, hee to preserve his right and title, hath made entries in the presence of honest witneses which will testify the same : That the Earle of Leic^r dyed, And the Earle of Warwick him survived and conveyed the premisses to Anne his wife and her heires, and dyed ; That shee likewise conveyed the premisses to the def^t, And that likewise both the defend^t and the said Countesse have levyed fines to barre the pl^t as aforesaid ; And that hee, for like preservation of his title, hath made like entries in the presence of honest witneses willing to testifie the same, | who are
 foe aged that they are not able to travaile to any Court of Justice to testifie the same, whose testimony not being had would greatly prejudice him, And therefore this lord prayed that his witneses might bee examined : **Whereto** the viscount Lisle after many delaies on his part and as many pressures on the pl^ts, made answer in November following, setting forth all the particular verdicts in effect which had been had against this lord, and all the other proceedings formerly mentioned, And concluded thereupon That if hee had any right the same by that means was bound, And foe demurred : But the demurrer at last was overruled and many Witneses were examined both by Comission and in London by the examiner, And foe rested, which was the sole end of the suite : Amongst which entries one was proved to bee by this lord himself in his own person into Westridge woods in the most conspicuous place of all that manor, attended with too many for that buisinesse, though not for the honor of his Nobility.

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Ordo : 26 Nov.
 5. Jacobi
 Robinson
 examiner.

At this time also William Bower servant to this lord, brought an action against John Willis Wit^m Trotman and others, wherein the title of the messuage and lands called Holts came in question ; which by Jury was tryed at the barre the 21th of May the year after, wherein the pl^t recovered his damages to 15^{li}, after abated by the Court to—10^{li}. And 13^{li}. 11^s for costs of Suite.

Trin. 3 : Jac : in
 banco regis. rot.

Term^m Paschⁱ
 4 : Jacobi.

And in Michaelmas Terme next after the former action, the said Wit^m Trotman brought his action in the same Court against William Bower for a trespass on the same grounds called Holts, wherein the pleadings were curious, but proceeded not to tryall ; And before those, between the said Trotman and Richard Thomas, were also suites in the Marches of Wales, and many Witneses examined between them touching the said lands, w^{ch} in the end was dismissed that Court.

Mich : 3. Jac.
 in banco regis.

Anno primo
 Jacobi

The same Mich^mas Terme, James Atwood a servant to this lord was Pl^t against Thomas Gilman a Copihold Tenant of the said Manor of Sages, wherein
 after

Paschⁱ. & Michⁱ
 3. Jac : in banco
 regis.

after longe pleadings upon the title, they at last grew at issue, which came not to tryall.

Mich: 3. Jac:
rot: 111. in banco
regis.

The same Terme William Mallet servant to this lord was pl^t against the said William Trotman, Wherein the issue was Whether Shobenash park in Hinton was the freehold of Robert Viscount Lisle, (whose tenant Trotman was,) or of this lord, who had leas'd the same to Mallet, which was never tryed through the default of Jurors, and after discontinued by the pl^t.

Trin. 4. Jac: rot.
in banco regis.
786

And the like issue, upon the freehold of the said parke, was next yeare | joyned between John Merrit pl^t and the said Mallet and others def^ts, wherein are pleaded the conveyances from the Countes of Warwick to the lord Lisle.

Hill. 4. Jac.
rot: 848. in
cōi banco.

In the 4th of king James, William Knight a tenant to this lord bro^t an action of trespass against John Green Solicitor to the lord Viscount Lisle and Edward Horwood his tenant for part of the Manor of Sages, who justified their entry under the recovery of Queen Elizabeth in the Information in the 26th yeare of her raigne, and of her conveyance to the Earles of War^r and Leicester, and from the survivor of them by mean conveyances to the lord Lisle their master: Knight replies, That Maurice lord Berkeley brother of the Marquis dyed thereof seized, and the same descended thereby to Maurice his son and heire, And soe to this lord as heire, and

6: Jac: soe confesseth and avoideth their plea; But after these and other pleadings, which were large learned and chargeable, they secretly corrupted the pl^t Knight, And the 17th of November in the sixth of king James obtained of him a release of all actions and demands, which in Hillary Terme after they pleaded of Record, And soe ended that action with the infamy of the pl^t; whose perfidious treachery caused this lord

Pasch: 7. Jac:
in banco regis.

shortly after to bring his acc^{on} of the case against him, for falsly delivering up the possession of a Messuage and divers lands parcell of his manor of Sages to the lord Viscount Lisle, which hee had taken for three years; To requite which suite the said Viscount, in the name of his said Tenant Horwood, exhibited an angry bill in chancery against a Solicitor of this lords and one William Cloterbooke, then tenant to the said messuage, whereto was made such an answer the same Terme, as that hee in that suite proceeded noe further: And these were folded up in the Composition made between these two lords in Michmas Terme following, to the private losse of that Solicitor of—80^{li} and more, through the interest hee had purchased in that said Messuage and lands; to the losse whereof hee rather gave way then to hinder the said Agreement between the said lords.

As for the longe and tedious suits touching the new warth and new grounds in Slimbridge, raised by Arnold Oldisworth and George Thorpe Esq^s tenants to the said viscount, against the Inhabitants of fframpton upon Seaverne upon the clofe of the said composition, I have mentioned them before in the life of Thomas y^e 2th | fol: [225]

The said John Machin servant to this lord was in the second of king James pl^t 787 against James Dangerfeild and John Hobbs in an Ejectione firmæ touching Hawpark at Wotton, which upon bringing the writs of right for that Manor was in the fifth of king James discontinued by the pl^t. Trin: 3. Jac. rot: 114. in banco regis.

Also the said John Machin was pl^t in the Comon pleas against Thomas Adams Withm Trotman and Richard Trotman three of the said lord Lifles servants, concerning another part of Sages Manor; wherein they largely pleaded all the meane Conveyances of their lord, whereof good use may bee made; The entry whereof taketh up fower rolls of parchment at the least, which came not to tryall through the writs of right which at this time were by this lord brought for ending of all suits, as after followeth. Pa: 4: Jac: Trin: 5. Jac: rot. 1943. in banco regis.

William Machin was pl^t, John ffouch and John Morris two under bailies of the lord Lisle of his hundred of Wotton defendants, for an arrest made upon the pl^t at Berkeley, and consequently a false imprisonment of him, the place being in the hundred of Berkeley; Judgement was given for the pl^t, and damages to—26^{li} 13^s 4^d. After by double rules in Court qualified to ten pound damage, and —3^{li} 15^s 6^d. costs which was paid. Mich: 4. Jac: in cōi banco: rot. 1656.

At the same time this lord was pl^t against the said ffouch and Morris for infringing of his liberty in the hundred of Berkeley upon the former arrest, wherein the pl^t recovered 20^s damages and his costs to 7^{li}. Mich: 4. Jac. rot. 1655. in banco cōi.

At this time also this lord in my name profecuted an Ejectione firmæ against Charles Clough and William Clough tenants to the grounds in Slimbridge called Newleyes, which after was compounded. Mich. 4: Jac: in banco regis.

In this toffed and restles manner many parcells of these controverted possessions having been banded by each party against other, as either of them held most advantageous to gaine profit or reputation upon the other; This lord Henry now prudently observing that time with a fairer countenance smiled upon him then formerly it had done,

done, And that his Counsell and follicitors had dived deeper into the abstruse understanding of his title then heretofore, resolved with his Counsell and freinds to hazard the wholl at the next cast ; And thereby either to bring back all his lands into the old fould, or else unrecoverably to loofe them, and foe to end his daies in freedom from fuits ; And thereupon according to the three fold difference of his titles to the
 788 manors and lands formerly recovered againſt him, hee ſorted the ſame | into three ſeverall writs of right, which hee now ſued out againſt the ſaid Viſcount Liſle, as being the laſt higheſt and finall fuits of the laws of England, and ſuch as none can bringe but tenants in fee ſimple.

Paſch: 7. Jac: rot.
 172. in cōi banco.

In the firſt writ was comprehended the manors of Wotton and Symondſfall, and the third parts of the manors of Came and Hinton.

Eiſdem terme et
 rotulo.

In the ſecond, the manors of Arlingham and Sages and newleys, and the warth in Slimbridge.

Triñ. 7: Jac:
 rot: 123.

And in the third, the lands of Holts and Corriets, by the names of a meſſuage and two hundred acres of land in Alkington and Cam: In all which ſomons was ſolemly given, and proclamations at the pariſh Chũrches doors made in formall maner, according to the laws ; which though the wiſe and prudent tenant, the lord Viſcount Liſle, ſeemed to Sleight and to bee glad of, as whereby hee would finally barre this lord Henry, and foe hold theſe manors and lands at quiet ; Yet this lord Henry had aſſured intelligence by a ſollicitor of his, That hee was much troubled thereat, And the more, becauſe by the unexpected coming of Thomas Adams, (the ſon of the former falſe Adams,) into the Chamber of the ſaid M: Goodman of Lincolnes-inne, ſometimes Thomas Adams maſter, and whom of ſeaven years before hee had not ſeene, (ſuch are the chances of humane things,) yet hee found this lords ſaid Sollicitor ſecretly in his inward chamber, peruſing of ſuch old breviats and other writings as M: Goodman had, (upon a precontract between him and the ſaid Sollicitor with the privity of the ſaid S: Thomas Berkeley,) drawn together, as before is touched ; from whence alſo by ſecret watch not poſſible to be prevented, becauſe unſuſpected, The ſaid Thomas Adams ſaw John Cornock the ſaid ſollicitors then ſerv: to bring away a Clokebaggfull of evidence and papers, as before alſo hath been mentioned : All the delaies that either the laws admitted in ſuch reall actions, or which learning and experience could deviſe, were uſed on the part of the lord Liſle, But in the end ſeverall iſſues were joyned upon the meere right, Whether the tenant the lord Viſcount Liſle had more right to hold the lands as now hee held
 them,

them, or the demandant this lord Henry to have them in such sort as hee demanded them: The principall Elizors who appeared | with their swords and spurrs to returne the three Juryes for tryall of the said issues, in the beginning of Michmas Terme in the 7th of king James, were S^r Henry Poole, S^r Edward Wintour, S^r Wilm Cooke, S^r George Huntley, S^r William Throckmorton, and S^r Thomas Escourt, knights: These earnestly labored an end by applying themselves to the said Viscount Lisle, and to Henry lord Howard Earle of Northampton, whose sister this lord had maryed, and who openly shewed himself a favorer of his brother in laws suits, this lord Berkeley himself then being at Callowdon; with each of which Elizors my self had often conference, as also with the said Viscount Lisle S^r Thomas Tracy and others, from him: **I**n the end by their mediation an accord was made, and Articles drawn and signed the same Terme bearing date the last of October in the said seventh yeare of king James, made between the said Viscount Lisle on the one part, and this lord Berkeley on the other part, by the mediation of the said S^r Henry Poole, S^r Edward Wintour, Sir William Cooke, S^r George Huntley, S^r Wilm Throckmorton, and S^r Thomas Escourt, knights; Whereby it was agreed,

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Michas. 1609.
7: Jacobi.Articl: dat: 31:
Octobris. 1609.
7: Jac:

1. That all the manors, lands, liberties, and hereditaments of the said lord Lisle sometimes belonging to the said lord Berkeley or his Ancestors, and then in question between the said lords, should bee assured to this lord Berkeley his heires or assignes by the said lord Lisle, as Counsell should devise.

2. That all estates rents and Annuities granted in writing by the late Earles of Warrwick and Leiceſter, or the late Countes of Warre, or by the said lord Lisle before Michmas laſt, contained in a ſchedule, to bee allowed and enjoyed in like ſtrength as then they were.

3. That the lord Berkeley ſhall pay in two years next at certaine daies expreſſed—8333^{li} 6^s 8^d which was after agreed to bee paid in hand, And—7320^{li}: to bee accepted in lieu of ſuch ready payment, whereby much labour was ſaved in drawing up the aſſurance in that point; wherein ſome of the lord Liſles Counſell declared themſelves more than deſirous to break off the ſaid agreement. And conveyances were drawn up and ſealed accordingly, whereby aſwell the ſaid Viſcount Liſle and William his then ſon and heire, (ſince dead without iſſue,) as the lord Henry, joyned in the conveyance of all the ſaid Manors and lands to Wilm Dutton Eſquire and my ſelf, for the better uniteing of both titles, and ſecuring our engagements for all that money; And was executed by livery of feizin

Carta 27 Novemb.

790 feizin the 23th of December following on Westridge Hill, the most conspicuous place of all those Manors by | the fower Attornies therein named, in the presence of one hundred persons at the least, Whereof the Maior of Wotton and thirty three others in the same place subscribed their names as Witnesse, as by the indorment of the Deed appears.

ffine : Hillary
7 : Jac :

Recovery. Pasch :
8. Jac : rot. 57.

Licence. 1. Sept.
[Dec. ?] 7. Jac.

In Hillary Terme after, aswell the said Viscount Lisle and the lady Barbara his wife and the said Wittm their son, As also the lord Henry and S^r Thomas Berkeley his son, leavyed a fine, aswell of the said Manors and lands thus moving from the said Visc^t, as of the Manors of Cam, Hinton, Cowley, Slimbridge, and Hurst, to the said William Dutton and my self ; And in Ester Terme following was a comon recovery of the said Manors and lands wth a double Voucher against the said lord Lisle alone; for the better perfecting whereof, Surrenders upon Conditions were had of all the tenants for lives of any of the said lands; And the kings Licence for these alienations was dated the first of December before.

And thus these manors of Wotton and Symondfall contained in the first Information, after thirty eight years ; And the manor of Sages and the others contained in the second Information, after . 24 . years, And the foresaid Hundred and liberties by violence for . 15 . years, wrested from this lord Henry, returned againe into their old sheep fold ; whereby this lord was as it were of new reinvested in those his Ancient inheritances, being essentiall parts of his barony of Berkeley, then valued to bee worth—35000^{li}. Which composition money soe paid for the same, this lord raised againe with the interest in the next fower years, out of rents fynes and other casualties of the same Manors and lands, as by a particular accompt delivered unto him, and now in Berkeley Castle, appears. And the Records heere marginally quoted will declare what conveyances were made by every of the owners of every of them in their severall times after the tres patents of Queen Elizabeth ; And how all Allienations without licence, and meane rates and issues, were discharged and pardoned, very necessary to bee known, aswell for avoydance of Exchequer troubles, as repose of the title. And a pardon in the 3rd of King James to Robert Viscount Lisle of all arrears inrolled in memo^r sc^açij. 5. Jac : ex parte Reñ Thesau^r, and with 5. Auditors. |

Triñ rec: 38. Eliz:
rot : 123. in sc^açio
Hilla^r rec: 37. Eliz.
rot: 52. et. 106. in
sc^açio.
Mich rec: 40. Eliz:
rot : in sc^açio
Origin 1 : 2. Ph :
Ma^r ps. 2. rot. 68
in sc^açio.
Trin. 5. Jac : rot.
1943. in cõi banco.
et 4 Jac. rot.
in banco regis.
Hilla^r. 4 Jac. rot.
848 in cõi banco.

791

192 : years title.

And thus ended that trita et vexata questio, that old intricate and perplexed title, as it was usually in all Courts called, that had continued the space of 192. years, from the 5th of king Henry the fifth to the seaventh of king James, between the heires

heires generall and the heirs males of this noble family; wherein besides more then fower times the value of the inheritance of the lands, that had by both parties in that longe tract of time been spent, the bloud of divers eminent persons on both sides had been spilt, from the guilt whereof, (more then fower generations on either side now being passed,) good God effree and deliver all the discendants and branches on both sides to all posterity, Amen,

In the close whereof, the forenamed Sollicitor in that cause received this comfort, that his endeavours were accepted and valued by this noble lord Henry above their deservings, who recompenced the same with an Annuity of ten pound p^r ann during his life; with this his further testimony, That had not his perswasions been, hee had never looked more after these lands nor now had had them; **A**nd from the said lord Lisle had these words, That if hee had dyed in the year before in his sickness at Glouc., hee would not have given this lord Henry 200^{li} for his release; which, (as conscious of his faithfull and utmost endeavours, is held noe arrogance here to bee written,) was publicly spoken by him in Serjeants Inne hall in ffleetsstreet upon the lord Cokes commendations, (then lord cheife Justice of the Comon pleas,) of the cariage of a branch of this cause then referred to his opinion and other Judges, whereat both these lords were present: As also they had been at fower or five other meetings of Counsell on both sides in the same place, in the months of June October and Novem^r 1607, Anno quinto Jacobi regis; what times all differences of titles were referred by these lords to ffleminge and Coke cheife Justices, Tanseild cheife Baron, and Judge Yelverton, when after great debates on both sides, falling from all hopes of peace by compromise, those writs of right were forthwith resolved on to be brought; which in the second year after, rendred an end to a perplexed title of 192. years agitation, as formerly hath been said.

Not longe after, this lord, (partly the better to pay the said composition money to the lord Lisle, and partly to pursue the presidents of his Ancestors, then shewed to him,) had a benevolence from all his tenants, whether holding by Copy of Court roll, or by Indenture: And also Aid pur faire fitz chivaler, according to the Statutes of. 3. E. 1. | and. 25. E. 3. from all his freeholders, whether holding by knights service or in socage, whereby the sum of—700^{li} and upwards was raised, And for any thing I perceived, (being a Comissioner in both the services,) willingly paid.

Benevolence
money

Aid money

792

Annis. 9. et. 10.
Jac: 1611. 1612.

Hee also at the same time bargained with one Thomas Hackett for all his Timber and firewood in Michaelwood chace, not growing in the parke there, excepting

Aprill. 8. Jac:
1610.

v'e fol : 753. 754. excepting also three thousand of the best Timber trees in the Chace, which this lord reserved to himself; whereby was raised above three thousand pound towards this Composition money and his other debts; which the said Hacket assigned over to Sir Wilm Throckmerton then of Tortworth, after hee had, to his losse as was generally conceived, more then one year used the same in making of iron, bringing his oar out of the said fforrest; And which also the said S^r Wilm with the losse of one thousand pound, (as hee hath written and protested,) assigned over to two Citizens of Bristoll: A course that was taken in the same place and in the lordships of other men in their manors adjoyning in the times of king Edward the third, as appeareth in Accompts of that time; whose Sindere and other remains of those old works, at this time in many places digged up, was now both usefull and profitable.

Against which iron making Sir Edward Wintour of Lidney, partly through the displeasure that then raged between the said S^r William and himselfe, And partly for S^r Williams entring into his trade of iron making soe near his doors, from whence also hee fetched his oare, opposed by private tres and informations secretly delivered, which in the end brake forth to objections and answers, untill those premises brought forth this certaine conclusion, which pleased both parties, That this lord Henry gained, Sir Wilm and his assignes lost: And when these Michaelwood woods failed S^r Wilm was destitute of other woods to continue them: And of those three thousand choice trees soe left, the lord George in the fower first years after his full age, made his profit by sales; And for his buildings at Simondfall, Newparke, the Grange by Berkeley, And at Brownsmill, Berkeley town mill, The Inne by Berkeley Castle, and other places, as before hath been touched, besides what hee gave to Wotton and Nibley Churches, and to the Vicaridge house in Berkeley. |

v'e folio. 753. 754.

793 Hitherto I have in the last 60. pages related in a continuall series those law suits without interruption, which concerned the title of Wotton and those other Manors and lands, parcell of the Barony of Berkeley, with the consequences which thereupon followed, aswell for avoiding of fractions that otherwise would have interrupted that entire narration, As that this noble family might discern running what travaile and expence for 38. years together this lords mother the lady Anne, by her over-ruling will, in a learning wherein shee had not been bred nor experienced, threwe upon this lord her son, and consequently upon her own posterity; by her willfull refusall to take these manors and lands with the residue of this lords Barony from Queen Mary by dedi and concessi, contrary to the advice of her Counsell and the

v'e fol: 731.

the desire of that Queen, as before is noted; upon which lady this lord her son, shortly after this composition, said to my self and others That hee might justly cast all the blame thereof; And then also, (turning to my self,) further said, That hee would make mee judge whether hee had lost or gained by following another persuasion of his late wife, and neglecting the advise of a noble and fast freind of his, who a few daies before the first Exchequer tryall in the 14th of Queen Elizabeth privately came to him, and earnestly advised that hee should in noe wise give any evidence or make any defence at all, but to suffer his land to bee lost by default; rendring many great reasons for such his Counsell, whereto of my self, said this lord Henry, I did incline; Howbeit, the great spirit of my wife whom I privately acquainted therewith would not suffer that advice to bee followed, though shee rested assured of the true heartednes of that noble freind, and hee knew much of the Earle of Leicesters close workings of the cause; And the more to divert mee, said this lord, my wife drew Thomas Walmesley then of my speciall Counsell to bee strongly of her opinion, who in her presence told mee That my title was foe cleere that I should not fear the verdict what ever the Jurors were; Adding further, That the remembrance hereof was noe doubt a speciall motive for M^r Walmesley, (come to bee Judge of the Comon Pleas,) to bee foe affectionate to my cause, as at the last tryall you saw hee was: And indeed, quoth this lord, hee only stucke to mee at that first tryall with great boldnes when | all other of my Counsell were drawn away, on whose brother I conferred the Viccaridge of Tetbury; The name of this noble freind I could never obtaine from this lord, but by circumstances I conceived it was his wives kinsman Thomas Ratcliffe Earle of Suffex, lord Chamberlaine to Queen Elizabeth; who ten years after, told the said lady when in person shee solicited an end by Compromises, That such was the potency of her adversary the Earle of Leicester both in Court and Country, and his reaches, That what hee had hee would keep, And that it was gaine to her to win him not to seeke for more, And that his drift by yeilding to referrences was only to dive into her husbands evidence and noe other; This is that Earle of Suffex whom Cambden in his Britania storieth to bee a most worthy and honorable personage, in whose mind were seated joyntly both policy wisdom and martiall prowesse, as England and Ireland acknowledged; who dyed in June the 25th year of Queen Elizabeth; Anno, 1583. But instead of answere, I obtained pardon; And here also both time and place and resemblance of matter call upon mee further to informe this noble family, That in the 13th yeare of Queen Elizabeth, before the first suite for Wotton began, (what time this lord Henry had by his wives means settled all his manors lands and Barony upon his daughters,) An overture was made from the Earles of Warre and Leicester for a double

of this tryall see in
Leicesters comon
welth printed.
1584. fol: 34. et.
89.

794

Leic^r comon welth
fol: 80. printed
1584.

Cambden. fol:
321. in Suffex.
Leic^r com. welth
fol: 52.

double marriage, between S^r Philip Sidney and S^r Robert Sidney their sisters only
 sons and this lords two eldest daughters, Mary and Frances; which being more
 fee fol : 443. 444. slighted by this lords wife then either reason or direction warranted, she offended
 the said Earles and others of their blood, That her brothers trouble Thomas Duke
 of Norfolk went on, and his head off; And the same month of his Attainder the
 Information against this lord Henry touching Wotton and Simondfall was exhibited
 fol: [743] against him by their means and prosecution, as formerly hath been written : where-
 upon judgment being given against this lord in Ester Terme, Anno 15th Eliz : and
 Tho : Duport. hee shortly after turned out of possession of those manors ; And the like black cloud
 being by a wife servant of this lords discerned to be in gathering, (who prudently
 was willing but unable to resist the will of a woman, who as before shee liked not,
 795 so now hated | the Earles blood in their two nephews,) wrought shee farr with this
 lord Henry to ask the advice of his best kinsman and freinds touching the said over-
 ture, which that prudent servant and freind secretly knew would againe come on, if
 intended to be accepted ; Whereupon this lord by his fre prayed the advice and
 Counsell of S^r Nicholas Poyntz, S^r Giles Poole, S^r Richard Berkeley, and of S^r
 Thomas Throckmerton, his nearest kinsmen and allies, and all of them at that time
 in perfect freindship with him, and the cheifest in reputation of that County : who,
 the 26th of October 1573 15th Eliz : returned this grave and solid answer and
 L^re in Berkley advice.—**There** shall come from us noe advice (in our own judgements) unfit for
 Castle. your Lo^p to follow : yo^r good and prosperous estate is the thing wee desire ; Assured
 freinds doe sufficiently declare themselves by plaine speeches and freindly actions :
 Every man may behold good policy to be your surest defence : We will not nor
 may not devine what should be the cause of your Lo^{ps} late great losses ; but by
 considering the circumstances of that is past, wee may fear what will followe, and
 advise you in time to prevent the same : And because your lo^p is overresolutely
 determined to leave your daughters to inherite your land, not to give the same to
 any heire male of your house, (which is great pittie,) Wee therefore think it necessary
 for you upon resonable conditions to accept the offer of M^r Phillip Sidney if the
 same be againe made : if also a further offer be made of M^r Robert Sidney for one
 of your younger daughters, wee likewise hold the same nothing necessary for you to
 refuse : Your lo^p cannot bestow your daughters more honorably in this land, as wee
 think : for their possibilitie are in very deed certaine, or to be made certaine : the
 Earle of Leicester greatly tending the younger son for that hee is his godson and
 beareth his name : That match cutteth of all lawe and losse that may followe ;
 faithfull counsell is the cheifest of bindeth those to favour you and yours that may doe good to whom they list ; See-
 benefits. ing therefore it is honorable rich safe and strong for you to be affected that way, if
 ill

ill Counsell or wilfullnes draw you back, we shall bee forry, and shall hope you will strongly appoint your self by patience to beare those burthens that are like to bee laid upon you : ffor our parts, wee bee assuredly your lordships freinds, foe can the same doe you noe service, for our acts will bee but shewes and shaddows ; Wee speak not this that you should spare to command us, | or that wee will bee cold to execute 796 what is reasonable and meet for honest freinds and kinsmen, but you may make your accompt before hand ; and wee are doubtles assured there will bee nothing offered against you that your Lo^p and all your freinds can defend : In these fewe lines wee shewe your Lo^p what wee wish you should neither sue for nor lightly esteem, if it bee offered ; and doe commit your Lo^p to the protection of Almighty God, this 26th of October, 1573 ; your Lo^{ps} assured. N: Poyntz, Giles Poole, Richard Berkeley, Thomas Throckmorton. Directed, To the R^t Honorable our very good lord, the lord Berkeley. But the same womanish power that quasht the first motion queld also this second found Counsell, Alliened by degrees her husbands affection from those freinds that foe really advised, And foe frowned upon that prudent servant that wrought herein that hee retired himself to his paternall inheritance, and but once in fifteen years after, eare hee dyed, came to Callowdon ; Howbeit had this advice been followed, her two daughters had enjoyed two as eminent gentlemen for their husbands as England afforded, And they not stayed 14. years after for meaner preferments ; The great lump of land that after was lost, (according to the propheticall foresight of those freinds,) prevented : her self and husband freed from a world of forrow attendance travell and expence : And yet this lords land and Barony had, as it was then settled, wholly fallen to her son Thomas, borne within two years after.

And now I transmit the Judgment to this lords posterity upon consideration of what followed, in the said thirty eight years till this composition ; whether hee suffered not extreemly by being thus doubly over-ruled by his wife ; And whether the will of this wife was in mariage foe given up to her husband, as that shee was noe longer her own but at her husbands disposing.

It's now time to turne to such other of this lords law suites as seems most 797 Other lawe suites. materially to import the knowledge of his posterity, not formerly mentioned.

In the seaventh of Queen Elizabeth this lord humoring the greatnes of his wives mind, (whom about the same time Queen | Elizabeth called her golden 797 lady,) bought a lute of mother of pearle, (her self an excellent lutist,) for which the Queen formerly had offered one hundred marks ; for this lute this lord paid a
fum

sum of money in hand, and gave a recognizance to pay to Best the owner thereof three pound a year more during his life, which for ten years after was duly paid ; what time this lord growing either negligent or weary of the payment, neglected it, whereby his recognifans becoming forfeited, Best sued out a Scire facias and soone had judgment thereupon : This lord for releife flyeth into the chancery, where after bill and answer and witneses on both parts examined, these offers in Court were made to Best by this lords Counsell ; Either to take twenty marks in money for the only default of one three pounds, and the paym^t to bee continued after ; Or to take 32^{li} 13^s 4^d —in ready money, and the Annuity to cease ; Or to bee quit of the 34^{li} which already hee hath received and to have the lute againe to his own use, as safe and faire as at first it was ; Or to referre the cause to the ending of any two Aldermen of London whom himself would chuse ; Or to his own two Counsellors Bell and Puckering, (the one after Baron of the Exchequer, and the other lord keeper.) setting lawe and affection toward their Client apart : None of which Best would accept of, but refused all ; whereat Bacon then lord keeper being moved, awarded an Injunction and stayed him from taking any benefit by the said recognizance untill the cause should otherwise bee ordered in that Court ; Afterwards Best accepted of much less then was formerly offered.

Order : 18. Nov :
18. Eliz :

This Lute, this lord, about two years after the death of his said wife, gave to the Dowager Countesse of Derby, whom in his widowers freedom hee called mistris ; and hee afterwards almost maryed M^{rs} Ratcliffe one of her gentlewomen.

Much about this time this lord had brought home to him by one Holloway his tailor a suite of clothes, of doublett, breeches wth panes, and jurkin without sleeves, laid very thick with silver lace ; And withall the tailors bill was delivered by his direction to Giles Yate one of the grooms of his chamber, who on the next day well observing his imoderate proportion of ounces of the silver lace, (which the tailor himself had bought, as also hee did all the other stuffe of the Suite,) waighed the wholl suite, which was not foe many ounces of like waight as the bill made the
798 lace alone to bee : And thereupon | secretly, unknown to this lord, caused all the lace to bee ripped off and weighed alone, And found the bill false by more then fower score ounces : whereupon for nonpayment of noe part of the bill, a suite was longe time after commenced by the Taylors executor against this lord, which was compounded.

Robert Burton of Linley dyed seized of the Manor of Lindley in the county of Leicester, leaving Ralph his son and heire within age, whose wardship this lord
Henry

Henry gave in the second of Queen Elizabeth to Thomas Duport his servant, a prudent man : Duport after assigned to Purefy, and hee againe to Agard, who brought a Valore maritagii¹ against the said Raph Burton, tried at the Assizes holden at Leiceſter about the tenth of Eliz. and recovered ; which I had the relation from William his ſon and heire, Author of the deſcription of Leiceſterſhire. And this grant from the lord Berkeley is entred in his great black booke of Inrollments.

This lord had a cheife rent of five pounds p Anñ paid to him as to his Manor of Weſton near Baldocke in the county of Hartford, iſſuing out of certaine lands called Broughtons, in Toddington, the inheritance of Henry lord Cheney : which this lord Berkeley, (out of what humor I know not,) reſerved to himſelf in the conveyance whereby in the 14th of Queen Elizabeth hee ſold Weſton to M^r Burgoine, who then for that rent, (as this lord told mee,) would have given him one hundred pounds : This rent was ſomewhat before detained : whereupon many ſres and references to Counſell paſſed between this lord and the lord Cheney, as the ſres yet extant doe ſhewe, w^{ch} coming to noe effect, this lord in the ſaid 14th of Elizabeth exhibited his bill in chancery, wherto the lord Cheney made Anſwer ; But after replication and rejoynder and witneſſes examined, the lord Cheney before hearing dyed : And ſoe hath reſted ever ſince.

Carta. 28 Nov^r
14. Eliz :

Anno : 1569. 11.
Eliz. ſres in Berk:
Caſtle.
Canc : 14. Eliz.
See after fol. 819.

In the 17th year of Queen Elizabeth was a troublſome ſuite in Chancery between this lord pl^t and one M^r Yaxley, which I touche noe further upon, for that it concerned lands in Derbyſhire which this lord hath longe ſince ſold away.

Cancellar̃.

In the 19th of Queen Elizabeth this lord brought an Action againſt | Edward Bucknam ſometimes an officer much truſted and employed by him, for not accompting for the rents and profits of the Manor of Callowdon, (whereof hee was Bailly,) for . 7 . years next after the death of this lords mother, when to him it fell in hand : wherein it was found by verdict, That Bucknam had formerly accompted for the firſt fix years, but not for the laſt of the ſeven ; for which laſt year hee after accompted in priſon, as the record ſpeaketh ; which ſuite I the rather here remember, for that it containes a reſonable ſurvey of the particulars of that Man^r

799
Civi^t Coventry
Hill : 19. Eliz : in
banco regis. rot.

In the 39th of Queen Elizabeth, in the ſame Court of kings bench, was an action depending proſecuted by ffrancis Smyth Eſq^r, after knight, againſt Henry Shipward

In banco regis
Leic^r

¹ A Writ by which a Lord was entitled to ſue an infant tenant, who had reſuſed a ſuitable marriage offered to him by the lord, for the value of his marriage. [Ed.]

Melton Shipward Bailly of Melton Mowbray, upon a distress taken by him for Toll ; wherein though the pleadings were much laboured by great Counsell, yet the Court upon argument found error in the Avowry of Shipward, which to know may bee of use hereafter.

Anno : 25. Eliz : In the 25th of Queen Elizabeth William Brown being keeper of Cam woods under this lord, impounded the Sheep of Richard Tindall Walter Hampton and Richard Nelme of Stinchcomb, and of Thomas Trotman and John Selman of Stancombe, for which they preferred their bill in the Marches of Wales against Browne ; And thence had a Comission to Richard Pate Esq^r, lord of the manor of Stinchcombe, and one of the Counsell there, to examine witneses ; who in January in the 26th of Elizabeth examined Tindall, Trotman and Selman aforefaid and others interested as parties and Commoners ; who deposed the usage of their comon in the said woods time out mind. ffor which perjury this lord in the 26th of Elizabeth exhibited his bill against them in the Starre chamber ; And also against Edward Trotman Henry Parmiter John ffrancombe Simon Codrington and others, (creatures to S^r Thomas Throkmerton,) for hunting and killing his Deere in Whitcliffe park New park and Michaelwood. In the Court of the Marches of Wales it was, the Anno : 26. Eliz : first of July in the 27th of Elizabeth, at Salop, ordered, That the pl^{ts} should use their Comon for their Cattell and pawnage for their swine in the said woods untill the same should bee disproved ; which order in their answers in the star chamber they sett out ; And how it was not Edward but Richard Pate that examined the witneses ; And soe took advantage of the pl^{ts} mistaking in this bill ; And this order is carefully preserved amongst them to this day ; but certainly in right they have noe Comon in those woods, which is like hereafter to come in question.

Bill in the Excheq^r
chamber: 27. Eliz:

800

In the 26th of Elizabeth this lord distrained Henry Goldefon for an amercia-
ment of sower pence imposed for his not appearing at this lords | leete holden for
his Manor of Melton Mowbray in the county of Leicester ; whereupon Thomas
Chancey ats Giles whose tenant the said Goldson was, exhibited his bill in the
Exchequer chamber against this lord Henry, setting out that hee had a Manor in
Melton called the manor of Lewes, which was of late belonging to the Prior of S^r
Pancrafte of Lewes in the County of Suffex, to which manor was a leete or viewe
of frankpledge belonging ; which Pryor and Covent, by their Indenture dated the
17th of Aprill in the 23th of Henry the 8th, demised the same to Wilm Gonfon Esq^r,
for fifty five years, whose estate for the terme to come, hee the pl^t hath, the reversion
to the Queen that now is : And that Henry lord Berkeley having another manor in
Melton,

Melton, goeth about to constraine the Queens tenants of her said manor of Lewes to doe fuite to his manor and Leete, and hath amerced some of them for refusing the same, &c. Whereto this lord answereth, That to his Leete in Melton all resiants whatsoever in that Town have used to come, And for that the said Goldson made default, hee was amerced at 4^d for wth hee being distrained, hee replevyed, which is now ready for tryall at lawe; And traverseth the Pryors leete and the rest of the bill: **In** which fuite Witneffes on both parts were examined in September in the 27th of Elizabeth, who fwore pro et contra, And upon hearing it was ordered that [result not given. ED.]

And this is now, Anno 1628, the inheritance of Robert Hudson of London this lords Bailly of Melton aforefaid, And was purchased of Queen Elizabeth the 27th of October in the 23th of her raigne by Edward Downinge and Peter Ashton, and foe by meane conveyances came to him. Touching which supposed manor of Lewes and of the originall gift thereof to the said Pryory, see my tract of Melton Manor in a book by it self, where is matter enough to break the neck of this supposed Manor of Lewes and of the Leete thereof, Whereof Humphry Alfop who followed this fuite, and then Steward to this lord of this Manor, was altogether ignorant. And in the mean time take these marginalls, which are unanswerable. |

Rotul: 4. E. 4. in
recept Sc^acij
coram Rogero de
Saham.
Rot: cart. 16. E. 4.
m: 5. et. 6. et
ultima in arce
Londin:
Eschaet. p^t mortem
Johis de Mowbray
16. E. 3.
Rot: pat: 18. E. 3.
pars. 2. m: 8.
Rot. claus. 2. E. 3.
m: 14.
Rot: Romæ. 2. E.
3. m: 2.
Eschaet: 2. E. 3.
n^o 73. Pro priore
de Lewes.

801

This lord and his Ancestors for . 300 . years and more had received a cheife rent of three pound ten shillings out of the manor of Acton Ilger, paid by S^r Nicholas Poyntz and his Ancestors to the Reeve of this lords manor of Hame, and reputed as parcell of the services thereof, as by many records deeds rentalls accompts Courtrolls and other evidences appeareth. This rent S^r Nicholas Poyntz, though cozen german to this lord yet then at enmity with him, and pertaking with the Earles of Warwick and Leicester and Sir Thomas Throckington in the suits aforementioned, denied any longer to pay; whereupon this lord in the 26th of Elizabeth exhibited his bill in Chancery, whereto S^r Nicholas answered, And after replication, rejoyned; in which rejoynder S^r Nicholas having the said Earles Counfell of Counfell with him, intituled the Queen thereto by the attainder of their father the Duke of Northumberland in the first of Queen Mary, To the Ancestor of which Duke faith hee, the same was allotted in p^tition in the sixth year of king Edward the 4th whereof I have formerly written, aswell in the life of this lord as in the lives of James the first, and William Marques Berkeley his son; By which means upon the motion of S^r Nicholas, the second of June in the 27th of Elizabeth, It was ordered That the Queens Counfell should first bee consulted with, before any further proceedings

See fol: 200

Anno: 26. Eliz:

Order. 2 Junij
27. Eliz:

proceedings were had : And S^r Nicholas dying in february next after, the suite abated. But after such time as S^r John Poyntz his son and heir had sued his livery, this lord sensible of the manifest wronge offered him in detaining of this rent, did in Hillary Terme in the 32th of the said Queene, exhibite another bill in the said Court (by way of reviver) against him for the said rent unpaid for Ten years in the life of S^r Nicholas his father, and five years since by himself ; who in his answere denied that any such rent was going out of his said manor of Acton Ilger to his knowledge ; what further became hereof I find not : But of this I am assured, That this lord had and his grandchild the lord George now hath, (if the Statutes of limitation prejudice him not,) as good right thereto as to his manor of Hame, whereof the said rent is pcell.

Hill. 32. Eliz :
1589.

vide comp: man'ij
et liber. de
Wotton. 12. 14. 15.
H. 6. in castro de
Berkeley.
Anno : 31. H. 8.
et 1. Jacobi.

Starcli : 29. Eliz :

In the 29th of Elizabeth a suite in Starchamber arose between this lord and his then neighbour Sir John Harrington of Combe, (after lord,) and other of his servants and tenants of Binley, who committed a great ryott by night in cutting down all the corne that grewe upon a tenement of this lord there, let by him to 802 Edward Jones | a blacksmyth, upon whom, for not payment of his rent and not doing his farriers work, hee re-entred ; who had assigned his terme to Walter Pyle, and hee to S^r John Harrington ; which discourtesies were agravated by the reapers scoffingly fetting up an handfull of corne at each lands end, like a poefy ; which this lord conceived to bee in mockery and despite : But this was never brought to hearing : And this is that house and land which formerly in this lords life I have noted to bee unjustly gotten by this lord and his mother from Gerrard Try, that like ill gotten goods never prosperred in his hands.

Mich : 29. et. 30.
Eliz: in banco
regis rot :
Hackburne cum
queſt.
Shirborne cum
def^s.

In the 30th of Elizabeth this lord brought an accon of covenant against Nicholas Brown of Melton for not payment of his last half years rent, and not repairing of the comon bakehouse in Melton with the Ovens there, in such sort as by this lease, then ended, hee was to have done, As also for not baking at the said ovens, who reformed and made his peace.

Triin. 5. Jac : in
banco regis rot.
Bryan pro queſt
Brown pro def.
Claus : 35. E. 3.
m. 3. et. 4. in
dorſo.
mich terme. 8.
Jac.
A bill in y^e Ex-
chequer Chamber.

And touching this bakehouse, Abraham Sheldon lessee to this lord, brought his action of the case against William Archer of Melton for not bakeing his bread thereat according to the custome of the said Town : which I mention because the Declaration was curious ; And the action is like to prove frequent, for the lords Court there is scarce able to preserve his inheritance in this custome of bakeing. **A**nd in 8^o Jac : this lord exhibited a bill in the exchequer chamber against Edward Wormwell

Wormwell and three others, for not baking at the said comon oven or bakehouse, who thereupon conformed and made their peace.

In the said 30th of Elizabeth arose divers suits both in the Chancery and at the comon lawe, between this lord and Arden his tenant at Mangottsfeild house parke and conigre, whereof followed much trouble and expence; And the violence at severall times used between the servants of this lord, and the said Arden drew often blood, with much danger in taking of distreffes rescouffes¹ and possessions, which lasted six years; Howbeit I pass them over in generallity, because that manor is since sold away, as after followeth under that title.

In the 33th of Elizabeth Withm Bower in behalf of this lord pursued an accon against John Birton, tenant to an antient messuage called Bassetts Court in Nibley, for a cheife rent of 33^s 4^d which since the 7th year of king James hath been duly paid to the manor | of Wotton fforren, and the services acknowledged, of which messuage and the first creation of that rent, fee before in the life of the lord Thomas the second.

The same year this lord recovered in an action of Waste against Thomas Printhorpe for cutting down divers trees in a close called ridhay alias Callowdon close in Exall in the County of the City of Coventry, And an Inquisition for the damage thereof returned accordingly.

In the same 33th of Elizabeth Thomas Chamberlin of Graies Inne, then an utter Barrister and after knight and cheife Justice in the Marches of Wales, became solicitor to this lord, under his fee of 15^{li} p Anñ, And the first suite he travelled in was an Affise of Comon brought by Richard Barker of Austy against this lord by the name of Henry lord Berkeley, in regard of an Enclosure not longe before made in Sowe waste parcell of his manor of Callowdon, to the pl^{ts} disseisin, who claimed to have Comon of pasture therein; whereto this lord pleaded, nul tort, nul disseisin; In which Barker had to prove, first his title to the messuage and Yardland and an halfe whereto hee claimed his Comon. 2^{dly} That the yardland and halfe had alwaies been belonging to the said Messuage and to none other. 3^{dly} his prescription modo et forma, as hee laid it down, 4th That the comon of pasture was belonging to the messuage and yardland an half undivided, for if the comon bee certaine to every yardland, Then hee failed in his prescription, in that it was laid joyntly; whereas it should have been laid severally for the number of cattle to every yard, and half yard of land. 5^{thly} The disseisin of this lord of the said Comon of pasture, who had

Anno : 30. Eliz :
Order : 14 : Junij.
34. Eliz :
pasch : 32. Eliz :
in Cancell.
Peport : 7. febr:
36. Eliz :

Michi. 32. et. 33.
Eliz. rot. 808. in
cōi banco.

803

fol : 171.

Anno : 33. Eliz :

1

2

3

4

5

left

¹ Rescues from *Rescous*. a. n.==Rescue. [Ed.]

6 left sufficient gaps in his inclosure for the cattle of the Comoners. And lastly, whether the land were sown or not at the time of the disseisin : The verdict passed against this lord, but partially, which hee afterwards avoided by the mistaking of his name, for hee was a knight of the bath and therefore should have been stiled Henry Berkeley knight lord Berkeley : Many other good notes arose upon this suite for the instruction of young practicers ; As that the messuage and yard land and half were purchased by the pl^t of severall persons ; That some of it was in lease for years or life ; That hee had noe cattell of his own but borrowed other mens, and the like. **About** the time of this tryall was the ditch of this inclosure riotously cast down in the night time by Peers, Pettifer of Austy, and others, whereof followed a troublesome and un- | profitable Starchamber suite ; In perusall whereof I gained this knowledge, That a child of fowerteen years old may bee made a defendant in that Court ; All which were afterwards in the 35th of Elizabeth concluded by arbitrement : And that agreement upon Barkers bill in Chancery and this lords Answer, acknowledging the agreement, ratified by the Decree of that Court, That hee and others should have Comon when the corne is out, and the enclosure to stand ; This cause was as well pressed and defended by both parties as I think lay in the power of learning.

Mich : 32. et. 34.
Eliz :

804

Order in Hil^t
terme 33. Eliz :
Anno : 35 : Eliz :

Mich : 32. & 33.
Eliz : in comuni
banco.

Hill : 32 : Eliz :
Starchamber.

Anno : 35. Eliz :

In the 32th of Elizabeth, Thomas Clark recovered against this lord an action of the case for not paying him—49^{li} 13^s 4^d, after the rate of 6^s 8^d by the day, according to promise, for Surveying and measuring the Manors of Sileby, Melton, Mountforrell, and Segrave, in the county of Leiceſter : for reverſall of which Judgment, this lord brought a writ of Error, But not prevailing, Clark by Elegit took in execution the Manors of Melton, Coldoverton, Segrave and others. Howbeit this lord in Hillary terme in the 32th of Elizabeth, brought Clarke into the Starchamber for subornation of perjury in the former proceedings, whereby they came after to composition.

In the 35th of Elizabeth or near that year, William Harvar of Keinſham yeoman was at Bitton leete amerced—23^s 4^d for furcharging the Comons in Bitton with his ſheep : ffor which John Brittain Baily there diſtrained a gray gelding of the ſaid Harvars in Sidnam mead, impounding him in the common pound at Bitton : Harvar replevyed, The ſuite from the county court was removed into the common place : By Harvars default a writ of Withernam¹ was had, and two of Harvars

¹ *Withernam* is where a Diſtreſs is driven out of the County, and the Sheriff upon a Replevin cannot make a deliverance to the party diſtrained : In this caſe a *Writ of Withernam* is directed to the Sheriff for the taking as many of his beaſts or goods that did thus unlawfully diſtrain into his keeping until the party made delivery of the firſt diſtreſs. [Ed.]

Harvars kine taken in that meade : whereupon hee acknowledged his offence, paid the 23^s 4^d amerciaments, and 40^s for costs of suite.

In the 37th of Elizabeth this lord was pl^t against William Deane and Robert Deane for a trespass comitted upon a close called Potters green, part of his manor of Callowdon, which was tryed against him at Coventry assizes, but without all colour of truth ; for noe manner of evidence was given on the defendants behalfe, which I write out of knowledge, being present ; For which grosse perjury this lord Henry brought the jury into the Starchamber, who were upon motion dismissed with costs, because they were charged | six and six in two bills, and M^r Chamberlyn the Counsellor reprehended that foe drew those bills and marshalled them ; hee then a young barrister of Graies Inne and this lords Sollicitor, as hath been said.

Trin : 37. Eliz :
banco regis. rot.

Pasch : 38. Eliz :
805

In the 38th of Elizabeth this lord Henry was pl^t in two severall actions of trespass against John Brock John Champion and others for cutting and carriage away of divers loads of wood out of Woolcombe and other places, parcell of the Downs or wast grounds of his Manor of Portbury in the County of Somersset ; which fact the def^s severally justified under John Wake Esq^r as holding in comon with this lord, in regard of a manor called Portbury Pryor which hee had in Portbury purchased by Godwyn his wifes father of king Henry the eighth, and late belonging to the priory of Brimmore in Hampsh^r upon which tenancy in Comon the issues were joyned, And the two records of Nisi prius taken out : whereupon John Creswell steward of household to this lord and cozen to M^r Wake, labored an end, And wth faire words and satisfaction for the wood made the def^s peace, the very day that I should have ridden from Callowdon towards the assizes about those tryalls then holden at Taunton.

Mich : 38. & 39.
Eliz : in banco
regis.

At the same time this lord brought an action of dett for five pound against Richard Baily, declaring That hee being seized of the hundred of portbury, had time out of mind used to have a veiwe of frankpledge belonging thereto, To which the Tythingman of Clyvedon and fower men with him, (called his fower posts,) have alwaies accustomed to come, And upon oath to present such things as are presentable in a Leete ; And because the def^s refused to bee sworne and to present, the Steward imposed upon him the fine of five pound : for which hee brought this action : The said M^r Wake lord of Clyvedon defended the suite, and alleadged That the Thirdbarrow or Tithingman ought to come to Portbury Leete, and pay 4^d in name of his fower posts that come with him, but not to present any offences.

Mich : 37. et. 38.
Eliz : in banco
regis
rot. Soñset.

This

This came to a communication before Serjeant Nicholls, after Judge, his freindly neighbour, who was foe well Sattisfyed with the evidences which this lord shewed since the Inquisition in the 12th of Edward the first, That hee openly advifed him to acknowledge the suite to bee juſt : which with payment of coſts of ſuite and the perſwaſion of M^r. Crefwell ſatifyed the pl^t., the ſervice ever ſince being duly performed.

806
 Hill : 39. Eliz : rot
 coi banco. Scotts
 office
 Glouceſter.

In the 39th of Queen Elizabeth, Thomas Phelps leſſee to John Yowen and | Mary his wife, tenants for life to John Harvy of Bradſton, of Divers lands in Bevington within y^e manor of Hame, brought an action of Ejectione firmæ againſt William Danfeild ſervant to John Huntley and Jone his wife, Copihold tenants to this lord of a meſſuage and divers lands in the ſaid manor, ſuppoſing they withheld from him nineteen acres of his land under colour of this lords copyhold graunt to them ; upon tryall whereof one ſmall parcell of a cloſe called gromballs hay containing about a quarter of an acre, (whereout this lord hath a cheife rent of 3^s 4^d p Anñ, and whereon the leaſe was ſealed,) was found for the pl^t ; for all the reſt the def^s were found not guilty, And ſoe ever ſince hath ſlept at peace : Howbeit in the 31th of Elizabeth was a verdiſt for much more againſt this lords then tenant, but the pl^t dyed before judgment : And likewise a trobleſome ſuite was ſhortly after at the Counſell in y^e Marches of Wales, whereat many Witneſſes were examined, but without fruite.

Mich : 31. et. 32.
 Eliz : rot : 524.
 Glouc :

Mich : 40. et. 41.
 Eliz : rot : 3127. et
 Trin 41. Eliz :
 coin. pleas.

In the 40th of Elizabeth Mary Gawſell widowe, late the wife of John Willoughby, brought a writ of Dower againſt S^r John Peter for the third part of the manor of Kenet in the County of Cambridge, which this lord in the third of Elizabeth fold to S^r Wiſſm Peter his father, wherein this lord is by S^r John vouched to Warranty : who pledeth the grant of king Edward the ſecond made the 16th of Decem^r in the ſixth of his raigne, of this manor (amongſt others,) to Alice Bigod widow, late wife of Roger Bigod Earle of Norfolk, for her life, the remainder to Thomas of Brotherton his brother and the heires of his body ; which Thomas had iſſue Margaret maryed to John lord Segrave, who had iſſue Elizabeth maryed to John lord Mowbray, who had iſſue Thomas lord Mowbray created Duke of Norffolke, who had iſſue Thomas, John, Margaret, and Ifable ; which Thomas died without iſſue, And the ſaid John had iſſue John, who alſo was Duke of Norffolke, and had iſſue John, who alſo was Duke of Norff, and had iſſue Anne maryed to Richard Duke of Yorke ſecond ſon to king Edward the fourth, who dyed without iſſue : That the ſaid Margaret was maryed to S^r Robert Howard, who had iſſue John

John Howard created duke of Norfolke ; And that the said Ifable was maryed to James lord Berkeley, who had issue William after Marques Berkeley, and Maurice lord Berkeley : That the said Wittm Marques Berkeley had this manor, (amongst others,) allotted to him by ptition with the said John Duke of Norfolk, And afterwards conveyed the same to Richard Willoughby and the heires males of his body, The remainder to Edw^d Willoughby & the heirs males of his body ; which Richard dyed without issue, And the said Edward entred and had issue John Willoughby, who maryed the said Mary Gawfell, and after dyed without issue male : After the death of which John Willoughby this lord Henry son of Thomas, son of Thomas, brother of Maurice, son of the said Maurice, entred, And by fine in the third of Elizabeth aliyened the same to S^r William Peter father of the said S^r John Peter, And soe demandeth judgment of the Court, whether by lawe shee ought to bee endowed. **The** widow Gawfell confesseth all the former pleadings to bee true, but further saith That the said Edw^d Willoughby by Izable his wife had issue John her husband, And that the said Edward enfeofed one Logge parson of Wotton, against whom in the 22th of Henry the 7th a comon recovery was had of the said manor, (amongst others,) to the use of the said Edward and Ifable his wife and of the heires of his body, The remainder to the said Maurice brother of the said Marques Berkeley and of his heires ; whereupon it appeared that shee was dowable, neither would shee henceforth accept the 11th 10^s which till then had sattisfyed her from the death of her husband for near forty years ; And thereupon this lord through the strictnes of his covenants in his conveyance to S^r William Peter was inforced to compound with her for—18th 10^s p Anñ for her life, which hee paid her about five years ere shee dyed.

vide antea,
fol : [587, 596]
807

Terme Pasch :
3. Eliz :

Rec : 22. H. 7.

And this action and pleadings I have the rather here mentioned because the manor of Bosham is at this day enjoyed by the lord George under the same entaile of the 6th of Edward the second. Yet such was the ignorance of the sollicitors and Counsell of this lord Henry in those times, That they suffered him to covenant with S^r Wittm Peter That hee was seised in fee of that manor And that noe reversion was in the Crown ; which were two untruths, and a double breach of his Covenant ; By which ignorance this further inconvenience happened, That Sir John Peter finding the said covenants broken and that the reversion was in the Crown, brought his action upon the said Covenant, laying down the grant and discent as aforesaid, concluding thereby that this lord was seized in taile and not in fee ; whereupon this lords manor of Alkington in the County of Glouc., (whereof hee as Humphry Alsop his then Sollicitor deposed was seized in fee,) was recovered over in Value and | warranty,

Mich : 29. et. 30.
Eliz : in Ester :
com̄ pleas.

808 warranty, ut tunc pro nunc, et nunc pro tunc, with fifty two pounds costs, which this lord paid.

Thomas Estcourt of Tetbury a benchor of Graies Inne, father of Sir Thomas Estcourt knight and of Edmond Estcourt, set on foot two suits against John Savage gent^r a farmer to this lord Henry, touching comon of pasture in the feilds of Tetbury for a flock of Sheep of 400. or more called the lords flock, never used to bee stinted, as all other freeholders sheep are within the manor; And (by mistaking the prescription) had two verdicts and Judgments against the said John Savage: Thomas Estcourt dying, left his lands in Tetbury to the said Edmond his younger son and his heires, who all his life for many years permitted the continuance of the said flock (as his father also had done after the said verdicts;) Afterwards, George Estcourt a younger brother to the said Thomas, an other freeholder in Tetbury, set on foot three or more the like suits against the said John Savage, and had like verdicts upon Severall Tryalls at lawe. After divers years, (when all issues that might well be joyned upon any prescription were foyled,) M^r. Savage acquainting a Solicitor of this lords with the former proceedings, and of the vexations of the said George Estcourt still continuing, was advised by him to seek peace by a bill in Chancery; which in the name of this lord was exhibited against the said George Estcourt; whereupon many witnesses were examined, And amongst others, these points fully proved. 1st That the said lord and his Ancestors and their tenants time out of mind have used to have pasture or feeding in the feilds of Tetbury for a flocke of sheep called the lords flocke, of about . 400, all the year longe when the feilds lye fallow; And when the feilds are sown, then from S^t. Lukes day till they bee sown againe, peaceably enjoyed without interruption of any, save the def^t. George Estcourt and his brother Thomas the lawyer, proved by 25. witnesses 2^{dly} That the lords flock was never stinted, though all others were stinted after three sheep for an acre. 3^{dly} That the said flocke hath used to depasture in a place called the sleight wthin Tetbury warren from Holliroode day in May till holliroode day in Septem^r, And from thence till the Annunciation of our lady. And none elce to have any Comon of pasture there at those times. | 4th That every person holding a burgage house in Tetbury hath accustomed to have pasture for three beasts within the Stubble feilds of Tetbury from the 13th of September untill Michimas eve. 5th That the lords flock may not feed in the said Warren out of the sleight between Holliroode day in May and Holliroode day in September, nor in the Stubble feilds from Holliroode day in September till Michaelmas eve, Nor in south hayes till the town herd of cattle have first grazed it, with divers other particularities incident to

Hill : 28. Eliz : in
banc : regis : rot.
838.

Mich: 27. 28. Eliz:
in banco regis. et.
26. &. 27. Eliz :
rot. 474.

Hill. 5. Jac : in
banco regis.

Pa: 3. Jac: rot. 399.
in banco regis.
Mich. 3. Jac : rot.
110. in banco regis.

Pasch : 5. Jac: rot.
404. et pars 2. in
banco regis.

Hill : 5. Jac : rot.
810. et. 811.

Hill : 28. Eliz : in
banco regis.

Bill in canc : in
Mich : 3. Jac :

Certificate in chan-
cery 30. Jan^y 1608.

809

Throk^m'ton. pl^t.
Estcourt def^t.
Mich: 3. Jac: rot.
110. in banco regis.

a suite of this angry quallity. **W**hat strong resistance the defendant made appeareth by the orders of the 12th and 19th of November in the 4th of king James, And of the 28th of January, and 4th 6th and 18th of ffeb^r following, And of the 29th of Aprill in the 5th of king James, and divers others: But in conclusion, in Michmas terme in the 6th of king James, the cause was heard, And the flock was established with this lord till hee should bee evicted by order of lawe, and soe continueth to this day. All which proceedings in Chancery remaineth exemplified with the executors of the said John Savage, As also doe the verdicts with the heires and assignes of the said Estcourts; The successe whereof and the paines of the said Sollicitor who advised this suite, the said John Savage gratefully requited by a guilt boll of twenty Nobles price, bequeathed by his last will a fewe years after to the said Sollicitor.

Mich : 6. Jac. in Canc :
Certificate in chancery 30. Jan. 1608. Exemplified the 9. Jac : 1611. under 2 seales, cum Carolo Savage de Tetbury.

This George Estcourt being tenant to this lord of the Tolfey and weights in Tetbury brought divers actions upon the case against John Lany and others, touching the custome of the Toll taken for weighing of woole, yarne, and the like merchandise; The proceedings wherein the records marginald will declare, whereof that of Ester terme in the 39th of Elizabeth may bee a good president for posterity, whereof much use is like to bee.

Hill: 39. Eliz: rot. 73. in banco regis.

Pasch : 39 Eliz. rot. 180 in banco regis.

In the 17th of Queen Elizabeth was an exchange of divers lands in Callowdon and in Wiken a village adjoyning, between this lord and S^r Francis Willoughby knight lord of Wiken, whereby this lord with much conveniency drew his out lands together, neare to his mansion house at Callowdon; And S^r Francis enabled himself for enclosing divers parts of Wiken with like profit and conveniency; which shortly after hee sold to Richard Greene his servant, then tenant to a farme in Wiken, against whom in the 41th of the said Queens raigne, this lord | Henry exhibited his bill in Chancery, thereby to stay his suite at comon lawe, upon a counterbond hee had to save himself harmles from a bond of this lords entred into to M^r Edward Deveroux for one hundred pound hee had borrowed of him: wherein Green was never damnified nor fued, nor the originall bond, at the time of his proceffe fued out, forfeited: which unneighbourly course of Greenes, drewe on shortly after other suits and questions between this lord and him touching Tythes Comons wayes and divers parcells of land intermingled in each others said manors of Callowdon and Wiken: some of which differences brought forth also Inditements at Coventry Seffions; And after followed peace by another agreement and exchange of other lands, one with the other in the 43th of Elizabeth. And afterwards againe in the 8th of king James brake out new suites at lawe, and crofs bills in Chancery; In which

Carta in castro de Berkeley dat. 1. Sept. 17. Eliz :

Hill. 41. Eliz. in Canc.

810

Carta. 20. October 43. Eliz. in castro de Berkeley.
Canc: Hill. 8. Jac:

Carta : 21. Julij
10. Jac : in castro
de Berkeley.

which I was a Comissioner for this lord, ryding purposely from my house in Gloucestershire to Coventry for execution thereof; And these also tooke ending by arbitrement in the tenth of king James. 1612. At what time by mediation of the Comissioners an other exchange of divers parcells of lands and tithes was had between them, in either of their said Manors of Callowdon and Wiken; In penning whereof more then ordinary curiosity was used on both parts, as by the fame will appeare.

Pafch : 43. Eliz :
rot. 2084. in com
banco.

In the 43th of Elizabeth this lord was pl^t against

Hunt def^t in an¹

Hill : 43 Eliz: rot.
250. in banco reg^s

In the same yeare James Atwood an underbailly to this lord was pl^t against William Millard in an¹

Triñ : 43. Eliz :
rot : 46. in banco.
811

In the same yeare this lord Henry was pl^t in an action of det upon a bond of one hundred pounds against William Davis his | Bailly of Berkeley hundred, whose course was to receive all that was levyable upon his extracts, if not more, but to accompt for little; wherein this lord recovered upon a nihil dicit.

Mich : 44. et. 45.
Eliz : rot. 32. in
banco regis.

In the 45th of Queen Elizabeth, upon a distrefs taken by Henry Shipward bailly to this lord of his manor of Melton Mowbray, for a releefe of ten pound due by Thomas Mackworth for his manor of Epingham in the county of Rutland, holden of this lord as of his manor of Melton Mowbray by two knights fees, whereof George his father dyed seized in fee, Hee thought to have helped himself by the lawe, for that hee the said Thomas was for other lands holden by knights service in Capite in ward to Queen Elizabeth after the death of his said father; And therefore conceived the lawe to bee That hee was not to pay releefe to any other lord at his full age, after his livery sued : And foe demurred upon the plea of Henry Shipward, which upon argument both at barre and bench was adjudged against Mackworth; And was the first expresse Judgment in the lawe in that point as was then affirmed, whereof Many Students then present in Court have since had the number roll.

In

¹ Not completed. [Ed.]

In the 44th of Queen Elizabeth, James Hervey an Underkeeper to this lord in Newpark, did with a forker out of his crofs bowe in the night time, cut the throat of one William Olive then with Richard Haynes and others passing through his parke; whose intentions were, (as after appeared,) first to steale fish out of putts and weeles at Seaverne, And in their returne to Steale Deere in Whitcliffe parke: Harvey by a notable plott closely carried was at the next assizes at Glouc., on a fodaine indited of Murder: And imediatly thereupon, (the pursuants knowing him to bee in the Sessions Hall,) was called by proclamation upon the inditement againe and againe; And the Judges being informed of his being there caused that call to bee redoubled: Hervy by chance being by mee, And I by more chance then there by him, charged him to kneel down and shade himself under my cloke, (being not lesse in Stature then in Courage a Coward,) and not to speak a word or else hee would with all help to the contrary bee hanged: The calls ended, away I sent him instantly out of Glouc. as fast as hee could ride: forthwith that inditement was removed, And hee the next Terme at the kings bench barre, discharged from his offence, which was held by the Court not to bee soe much as a breach of the peace: The Coroners inquest taken the 8th of August in the 43th of Elizabeth found the death of Olive to bee by Harvey, the 6th of that month, per infortunium; And | this plot was practiced against him the lent assises after.

44 Eliz: in banco regis.

Stat: de malefactoribus in parcitt
21. E. 1.

812

In the second of king James, William Thorpe lessee to Thomas Chamberlyn was pl^t against George Jerrat and others def^s in an action of Ejectione firmæ for an acre of land in Mountsorrell in the County of Leicester; upon not guilty pleaded, and evidence by the def^t that the same was parcell of this lords manor of Mountsorrell, the Jury found for the def^t, and soe this lord enjoyeth it to this day.

Pasch: 3. Jac: rot.
911. conⁱ pleas
Brownloe.
Michi. 2. Jac: in
banco. inter ptes
verdict: rot.
Hill. 3. Jac. in coi
banco.
Pasch: 5. Jac: in
banco.

The same year a fine of five pound was imposed upon one Edward Ithell of Slimbridge for a contempt committed by him in the leet held at Berkeley, for which this lord brought his action of debt: Ithell confesseth his offence gave satisfaction, And soe ceased that suite.

Pasch: 2. Jac: in
banco regis.

In the third of king James, this lord Henry brought his Writ of ravishment de gard¹ against Robert Hill Clarke, for taking away the body of John son and heire of Godfrey Goldeborrowe late Bishop of Glouc., who dyed seized of the manor or farme

Pasch. 3. Jac: in
banco rot: 745.

¹ *Ravishment de gard* was a Writ that lay for the guardian for Knight's-service, or in Socage, against a person who took from him the body of his ward. By Statute 12, Charles II. c. 24, this writ is taken away as to lands held by Knight service, &c., but not where there is guardian in Socage, or appointed by will. [ED.]

farme of Goffington in the parish of Slimbridge, holden of him as of his manor of Berkeley by knights service: Not guilty was pleaded, And upon a tryall at Glouc. Affises the Jury found for this lord, And gave damages to . 400 . marks, And Judgment was after entred accordingly.

Hill : 3. Jac : rot :
171. in banco regis
Trin : 4. Jac :
the writ filed.

And afterwards, this lord brought an accōn against William Clutterbooke tenant to the said farme for the meane rates, wherein hee recovered also; And upon a writ to inquire of damages had threescore pound given him by the jury.

Hill : 3. Jac : rot.
172. in banco regis
Pasch. 4. Jac. the
writ to inquire of
damages.

The fame year this lord Henry brought his Accōn of the case against one Bendall for infringing his liberty of Berkeley hundred and arresting one Caswell at Berkeley, wherein hee recovered his costs and damages: In the pleadings whereof are perfectly laid down the grant of king Edward the third, in the 4th of his raigne, of returna brevium, to Thomas lord Berkeley the third of that name, and his heires; And how afterwards hee entailed the same to himself and the heires males of his body, with all the | meane discents after to this lord Henry; which may bee of frequent uses in the like cases, I having purposely omitted many others of the like nature.

Pasch : 3. Jac :
rot : in banco
regis.

The fame year Henry Shipward, Bailly of Melton, distrained the Goods of Thomas Groccke of Estwell in the County of Leicestershire, supposing the tenure of that manor to bee of this lord as of his manor of Melton by knights service: After issue joyned upon the tenure, S^r Edward Brabazon owner of the said Manor of Estwell fled for succour into the Dutchy court, and there exhibited his bill against this lord and Shipward for stay of the suite, suggesting the tenure to bee of the king as of the Dutchy of Lancaster, by the fourth part of a knights fee; which the def^t

Hill : 3. Jac : answering in Hillary Terme after, an Injunction was awarded to stay the suite at lawe, and foe hath rested.

Trin : 4. Jac : in
banco regis.

In the 4th of king James, John Driver this lords Bailly of Tetbury was pl^t against William Tamer def^t, for carrying away without the lords leave the dounge or soile out of the waft ground called the Cheeping, (the golgotha of that markett Town,) which Driver under the prerogative of his office would appropriate to himself, wherein Driver had composition from the def^t.

Trin : 11. Jac : rot.
Comon pleas.
Bolton att. pro
quer.

In the 11th of king James this lord was pl^t against John Huntley, a man of wit but void of honesty, his lo^{ps} copyhold tenant in Bevington, for killing a brace of

of Bucks in Whitcliffe Parke, near the pale whereof Huntley dwelt; who after hee had before this lord and other Justices of the peace with incredible impudency forsworne the fact, And with base and upbraiding termes insulted over those under-keepers who first drew him into suspition; whereof they complayning to a Sollicitor of this lords, and hee taking it to heart, found means by Huntleys servants that then were, (for great guifts are like Gods,) to discover not only who fetched the bucks out of the park to Huntleys house, but to whom hee gave seaven quarters of them, and by whom sent: Which they upon examination acknowledging, And Huntly confronted, Huntly for answere and excuse said to the Sollicitor, That it was held a rule and noe offence with deerestealers to forswear the fact and out brave the keepers, as hee formerly had done; But the pl^e death and Huntleys also not longe after happening, took off a great part of that punishment which | other- 814
wife most deservedly had been inflicted upon soe ungratious a man.

In the fourth of king James this lord exhibited his bill in Chancery against William Dunning and five others, concerning his liberties of fishing in the river of Seaverne within his hundred of Berkeley: which in the end of february in the 7th of the king were decreed for him: In this suite is contained a full declaration of all the liberties and jurisdictions which the lord George now claimeth in Seaverne, which is like to bee of great use to his posterity: And more then one other suite which was in the 34th of king Henry the 8th, between Richard Williams ats Cromwell pl^e And Richard Byriat and others def^s, I have not mett withall, touching these liberties of fishing, whereof in the foresaid suite good use was made.

Mich: 4. Jac.
1606. in Canc:

Cuñ Augm. 34. H.
8. et in castro de
Berkeley.

In the same year Withm Chamberlyn brought an Action of Ejectione firmæ against George Jerrat of Mountforrell for two acres of land there; the evidence of the def^t was That it was the inheritance of this lord Henry, parcell of his manor of Mountforrell; And of the pl^e That it was parcell of the land of the feoffees of that Town, called the Town land; wherein the pl^e after evidence became nonsuite; And hath quietly been enjoyed ever since as the inheritance of this lord, more land standing upon the same title.

Hill: 4 Jac. rot.
1907. com pleas.
Mich. 4. Jac. rot.
Com pleas.

And for setting divers cheife rents in Mountforrell amounting to 24^s 4^d claymed by this lord Henry and denied by divers the inhabitants there, This lord in the 8th of king James exhibited his bill in Chancery against Nicholas Fowler John Hood and Thomas Monke, wherein hee prevailed, and set his said rents afoot, now paid accordingly: In which, other wrongs offered to this lord in that Town were also contained and certified.

Mich: 8: Jac: in
Cancell.

In

Anno. 4. Jac :

Crown office. 5.
Jac :

In the fame fowrth year of king James, the grand-jury at Coventry Sessions indicted this lord Henry for not repairing the way in Callowdon lane between Ashmore gate and Wiken lane : The inditement was removed and avoided ; A work that ought to bee done by the County or the parish of S^t Michaells and not by the particular charges of the owner of Callowdon manor.

Hill. 4. Jac :
Starchamber.

815

This yeare also this lord exhibited a bill in Starchamber against Thomas Mainston John Cerney John West and divers others, | a compact nest of deere-stealers, for hunting and killing his deere in Michaelwood chace ; for which their purfes after smarted, And bonds with sureties taken of them and above twenty others, (whom they peached,) to bee afterwards true to all his Lo^{ps} games ; By the diffolution of which knot of Deerestealers his games rested more quiet then in fifty years before they had done.

Pasch : 6. Jac :
rot. 1559. in cōi
banco : or 1159.

In the sixth of king James this lord brought his writt de valore maritagij against Thomas Bowfor, brother and heire of Anthony, who dyed feifed of divers lands and tenements within the Manor of Hame, parcell of the manor and lands called Serjeants lands : The issue was whether the said Thomas Bowfer was within the age of one and twenty years at the death of his brother or not : The pl^t finding afterwards that hee was a weeke above one and twenty at his brothers death, who dyed beyond feas, proceeded noe further, though hee had taken out his writ of Nisi prius for tryall thereof.

Com. Pleas
Pasch : 6. Jac.
rot. 1141. Suffex
in cōi banco.

In the said sixth of king James this lord brought his Writ of ravishm^t of ward against Agnes Payne widowe, for keeping from him her son Thomas Payne from the death of Thomas his father, for that hee dyed feized of the Scite of the manor of Southmundam called Bowley ffarme, and of . 120 . acres of land thereto belonging in the parish of Pagham in the County of Suffex, holden of this lord as of his manor of Bosham by knights service, wherein hee recovered great damages, as by the record appeareth.

Pasch : 8. Jac.
rot. 1752. comon
pleas Waller.

The Inhabitants of fframpton upon Seaverne clayming comon of pasture for their sheep upon Slimbridge old warth, encouraged John Savacre the vicar there to put in his sheep also : which Richard Byford an Attorney, noe less factious in Slimbridge then the minister contentious, impounded as a Comoner ; And not only brought him but many others of the said Inhabitants upon colours of Surcharges, to compositions, Taking of some ten shillings, of some . 30^s, of some 3^l., and of some

some others more, to the value of ten pound in the year ; whereby for three or four years whilst this course lasted they were reconed Byfords tributaries.

An action of Accompt was by this lord brought against Cyprian Wood one of the Groomes of his first wives chamber, supposing hee had remaining in his hands one hundred pounds, received from her a few daies before her death : wherein after pleadings, Auditors | were assigned by the Court, before whom hee accompted, and paid what was found by them to remaine unissued in her life time : A suite the rather prosecuted upon advertisement given to this lord that two trunks of his finest Linnens were by him, (as an instrument to a gentlewoman in that house,) to have been conveyed away by night ; The truth whereof was That the trunks being to bee ferryed over the mott at Callowdon in one of the brew house coolers, the bunhole in the midst fell open, and soe the ferry boat being heavy laden began to sinke ere it was two yards from the shore ; whereof this lord had early notice by such as lay in waite to have intercepted them, And soe saved his linnens and other things therein, but never discover'd that his intelligence came from a Sollicitor of his, one of the watchmen in that dark night.

Trin : 38. Eliz :
in banco.

816

Upon the death of Thomas Tomson rector of the Church of Sutton iuxta Bonyngton in the County of Nottingham, Christ church Colledge in Cambridge who pretended title thereto presented Edward Barwell as their Clerke, in the 21th of Queen Elizabeth ; And this lord Henry presented John Savage, who being refused by the ordinary this lord brought his Quare impedit and recovered ; upon which recovery the colledge brought a Writ of Error, wherein the former recovery and Judgment was affirmed, and this lords Clerke established, still the Incumbent there ; Hereof I have more largely written in another booke usefull to this family, in a tract of the Manor and Barony of Segrave by it self.

Trin : 22. Eliz :
rot. 976. in banco
cōi.

Hill : 30. Eliz :
rot. 484. in banco
regis.

Upon the death of Richard Smyth Rector of the church of Howby in the County of Leiceſter, St. George Villers of Brokesby presented thereto John Bishop ; And this lord Henry presented Withm Read, in the 22th of Elizabeth ; who being refused, this lord brought his Quare impedit and recovered, And Read this lords Clerke established, who ever since hath been incumbent there ; In the longe pleadings whereof, the discent aswell of this family as of the lord Mowbraies, And the ptition of the Mowbraies lands between the family of Berkeley and the family of the Howards, are soe erroneously laid down and pleaded on both parts, that each party might thereupon have trounced the other, | Howbeit ignorance being alike

Pafch : 22. Eliz :
in banco.

Trin : 23. Eliz :
in banco.

817

comon

comon to the Counfell and Sollicitors of both sides, neither party was able to reprove or take advantage of the others errors or mistakes, And foe a double falshood had by ignorance the passage of a double truth. Of this Advowson I have more largely written in my other booke lastly mentioned.

And thus endeth this longe title of this lords lawe fuites, of . 85 . pages ; the most toillfome of all my labors, yet pleasing in the finishing, because likely to bee of much use to this noble family in this and ages to come.

His Sales of Land.

Having ended the longe title of lawe fuites, I now returne to a shorter but worfe, the sale of lands ; too foone begun and too longe continued.

carta : 16. febr̃ : In the third yeare of Queen Elizabeth in consideration of 893^{li}. 19^s 4^d, this
3. Eliz : lord fold his manors of Kenet and Kentford in the counties of Cambridge and
Suffolke, with the Advowson of Kenet, to S^t William Peter and his heires ; And
covenants them to bee of the yearly value of . 37^{li}. 5^s 4^d. And that noe reverfion
was in the Crown ; whereupon that trouble and expence arofe which I formerly
fol : 806.
818 have mentioned amongft the lawe fuits of this lord ; And thefe were | those lands
that reverted to this lord for default of iffue male of the body of M^r Willoughby
Revert. Nov. y^e 26. according to the entaile of William Marques Berkeley, And whereof hee had fued
2. Eliz :
Liberac: 16. Junij. livery but in June before as formerly hath been faid.
2. Eliz :

carta : 20. febr̃ : In the fifth year of Queen Elizabeth in consideration of 2050^{li} this lord fold
5. Eliz : the manor of Hovingham in the county of Yorke to S^t Thomas Gerrard and his
heires, the mansion house of his grandfather the lord Thomas, as in his life
appeareth.

carta 30. Oct : In the sixth yeare of Queen Elizabeth in consideration of . 200^{li} this lord fold
6. Eliz : all his meffuages lands and tenements in the hamletts or parishes of Brokenburrow
and Almsbury in the county of Gloucester, accounted the fourth part of that manor,
to John Hollifter Thomas Harper and Margaret Wade, and their heires.

carta : 26. Maij. In the feaventh year of Queen Elizabeth in consideration of . 600^{li}, this lord
7. Eliz : fold the leafe of Yate in the county of Glouc^r to S^t Nicholas Poynz, wherein hee
had forty two years to come, the ancient habitation of his father grandfather and
great unkle, and where they had bestowed great charges in building, as in their
lives hath been delivered.

In

In the same yeare in consideration of . 1000^{li} this lord sold the Manor and Advowson of Maningford Breouse in the county of Wilts, to Edward Nicholas and his heires.

carta : 8. febr̃ :
7. Eliz :

In the eighth of Elizabeth in consideration of—300^{li} this lord sold a rent of—14^{li} p Anñ reserved for equality of ptition out of the manor of Bromley in Surrey, and out of Lea Gateburton and Schothurne in the county of Lincolne, in division of Breoufes lands, to Thomas Duke of Norfolke his wifes brother and his heires.

carta : 28. October
8. Eliz :

In the nyinth of Elizabeth in consideration of 450^{li} this lord sold the manor of Aspele in the county of Warrwicke | to Charles Raynesford Esquire, and his heires.

carta : 14. Nov^r
9. Eliz :
819

In the Tenth of Elizabeth in consideration of 304^{li} 10^s this lord sold the manor of Cotes with the members of Prestwold and Houghton, and all his lands in Wimeswold Thurmafton and Burton on the olds, in the County of Leicefter, and in Stanford in the County of Nottingham, to Henry Skipwith Esq^r and his heires.

carta, 25. Aprill
10. Eliz :

In the eleventh of Elizabeth in consideration of 2220^{li} this lord sold the manors of Rostlafton Coton and Linton in the County of Derby, And all his lands in Greisly, Caldwell, Durandsthorpe, Lollington and Walton upon Trent in the counties of Derby and Leicefter, to S^r William Greisly and his heires.

Carta. 10. Decem^r
11. Eliz :

In the 14th of Elizabeth in consideration of . 3200^{li} this lord sold the manor of Weston near Baldocke in the County of Hartford, to George Burgoyne and his heires, excepting a cheife rent of five pound p Anñ going out of Broughtons lands in the County of Bedford the inheritance of S^r Henry Cheney knight ; of which cheife rent I have before written amongst this lords lawe suites.

Carta. 28 Nov^r
14. Eliz :

fol : 798.

In the same 14th of Elizabeth in consideration of 336^{li} 7^s 1^d hee sold the manor of Thurlafton and all his lands in Dunchurch in the County of Warrwick, to Alice the widowe of S^r Thomas Leigh knight late Alderman of London, And covenants the same to bee 6^{li} 14^s 6^d ob. p Anñ of old rents.

Carta : 6. Decem^r
14. Eliz :

In the of Elizabeth in consideration of 800^{li} hee sold the manor of ffelekenhoe in the said County of Warrwick to M^r Broughton and his heires.

Carta

In the 15th of Elizabeth in consideration of 84^{li} 14^s hee sold to Thomas Walton and Michael his son and theire heires, two messuages and three yard land and an half in Thurneby in the county of Leicefter.

Carta. 4 : Nov.
15. Eliz :

In

Carta. 4. Nov.
15. Eliz :
820 **In** the fame 15th of Elizabeth in confideration of 24^{li} 4^s hee fold to Robert Read and his heires, a meffuage and certaine lands which | hee held in Thurnby aforefaid.

Carta. 6. Nov :
15. Eliz : **In** the fame 15th of Elizabeth in confideration of—160^{li} hee fold all his lands Tenements and hereditaments in Welby ats Oleby in the county of Leicefter to William Digby and his heires ; whereby through the ignorance of his officers the tenure of Welby it felf, being by knights fervice of the manor of Melton Mowbray, was releafed, which was not intended to paffe.

Carta : 1. febr.
16. Eliz : **In** the 16th of Elizabeth, in confideration of 420^{li}, hee fold the Manor of Thorpe Sachevill and Twyford in the County of Leicefter, to Thomas Cave Efq^r and his heires.

Carta : 30. Apr.
16. Eliz : **In** the fame 16th year of Elizabeth, in confideration of 500^{li}, hee fold the manor of Witherly in the County of Leicefter, to Michael Ludford and his heires.

Carta : 3. Sep^r
17. Eliz : **In** the 17th of Elizabeth, in confideration of—720^{li}, hee fold the manors or hamletts of Kington parva Brockhamton and Combroke, with all the lands hee held in Kington magna, in the county of Warrwicke, to William Burton and his heires, except the wood there called Kingfwood.

Carta : 3. Sep^r
17. Eliz : **In** the fame 17th of Elizabeth, in confideration of—520^{li}, hee fold to Francis Aylworth and his heires the manor of Kington magna in the County of Warrwicke.

Carta : 28. Julij
17. Eliz : **In** the fame 17th of Elizabeth, in confideration of 40^{li}, hee fold a meffuage and three clofes adjoyning in Thornbury in the county of Glouc., to John Davis and his heires.

Carta : 21. Maij.
18. Eliz : **In** the 18th of Elizabeth, in confideration of—300^{li}, hee fold the wood called Kingfwood in Kington in Warwickfhire, (excepted in William Burtons conveyance,) to Andrew Ognell of Badesly Clinton and his heires.

Carta. 7. Julij
20. Eliz : **In** the 20th of Elizabeth, in confideration of—37^{li} 6^s 8^d, hee fold three houfes in Thornbury, (then in leafe to John Tayer at 7^s rent for divers years to come,) to John Hilpe and his heires, who was the great grandchild of that Richard Hilpe
821 prefent with William | lord Berkeley and his two brethren at the death of the

Vifcount

Viscount Lisle, slaine at Nibley Greene, and against whom Margaret his widow brought her appeale, as before is declared in the life of the said lord William.

fol : 548.

In the 22th of Elizabeth, in consideration of 1700^{li}, hee fold the Manor of Elmington and all his lands in Henbury in the County of Glouc., to Thomas Wilmare and his heires : Which manor and lands this lord but the Terme before had drawn from Edward Berkeley of Bradley and Elizabeth his wife, to whom in recompence, hee gave forty pounds p Anñ for there lives : And which this lord in the first of Elizabeth had conveyed, (for better strengthening of his grandsfathers entaile before remembred,) to the said Edw^d and the heires males of his body, the remainder to Maurice his brother and the heires males of his body, The remainder to Frances their mother for life, wife to Richard Danvers, the remainder to his own right heires.

Carta : 8. m'cij
22. Eliz :
fine Hitt :
22. Eliz :

The same year in consideration of 160^{li}, hee fold all his lands in Stichall in the county of Warrwicke and in the County of the Citie of Coventry to Arthur Gregory and his heires ; And these formerly were fold to Richard Turner, and after repurchased and fold as aforesaid ; And were esteemed as a member or Hamlett of Callowdon Manor.

Carta : 4. Nov :
22. Eliz :

In the 27th of Elizabeth, in consideration of 2560^{li}, this lord fold the manor Castle and lordship of Bretby and all his lands in Repington and other Hamlets there in the County of Derby, to Edmond Scarlinge and Lawrence Wright and their heires, persons trusted by the lord Stanhope, whose now it is ; Of the parke whereof this lord in the eleventh of Elizabeth had given a lease for 21 years to his fervant Thomas Duport, which was excepted in this sale.

Carta. 22. Apř.
27. Eliz :

In the 29th of Elizabeth in consideration of 2500^{li} this lord fold the manor of Dalby Chawcombe, and all his lands in Ardeburrowe South croxton and Kirkby belers, to S^r John Burrow knight and his heires. |

Carta : 14. Aug :
29. Eliz :

In the same 29th of Elizabeth, in consideration of—3200^{li}, this lord fold the manor of Sileby and all his lands in Thurneby in the County of Leicefter to George Shirley Esquire and his heires ; who in the same year had maryed his daughter ffrances Berkeley, As after in the title of this lords iffues followeth.

822
Carta : 20. Octob:
29. Eliz :

In the 42th of Elizabeth in consideration of ten thousand pounds all paid in hand, this lord fold to S^r John Spencer Alderman of London and his heires, The manor

Carta : 18. m'cij
42. Eliz :

manor of Coldoverton (3000^{li}) with the Advowson thereof in the County of Leiceſter, And the manors of ffenylſtanton (3000^{li}) and Hilton, And of Auconbury (4000^{li}) and Weſton in the County of Huntington; And in regard that 3000^{li} the price of Coldoverton, came wholly to his ſon S^r Thomas Berkeley, It was by Deed concluded between them That the fix hundred pound Annuity agreed upon at his marriage ſhould thenceforth bee but—533^{li} 8^s; Howbeit the 4000^{li} received by this lord for the price of Auconbury and Weſton ſlept not ſoe quietly in his purſe, but that (through the generall warrantie hee gave to S^r John Spencer) hee departed with—400^{li} thereof beſides charges to kinge James upon a compoſition for a cloſe of—480. acres, parcell thereof, called great fartfeild and other lands, wherto his Ma^{tie} made title as parcell of his fforreſt of Sapley and Weybridge in the ſaid County, And ſometime affarted thereout: And the ſaid S^r John Spencer for his better affurance did afterwards bring againſt this lord and his ſon, two writts of Warrantia chartæ.

Carta : 7 Maij
42. Eliz :

Comp : cum Oth :
Nicholſon : 1609.
7. Jac. Regis.

Triñ : and Mich :
terme. 7. Jac. in
cōi banco

Carta : 12. Maij
44. Eliz :

In the 44th of Elizabeth, in conſideration of 1320^{li}, hee fold the Manor of Daglingworth in the County of Glouceſter to Sir Henry Poole and his heires; And this money coming alſo to his ſon S^r Thomas Berkeley, (for payment of whoſe debts hee joyned in ſale thereof,) It was agreed That Thirty three pounds and eight ſhillings of his Anuity ſhould bee abated, And the ſame thenceforth to bee but five hundred pounds by the yeare.

Carta. 16. Septem^r
9. Jacobi.

In the nynt of king James, in conſideration of 2225^{li}, hee fold to Phillip Langley Eſq^r and Mary his mother and their heires the manor of Mangotsfeild in the County of Glouc.; To which grant S^r Thomas Berkeley and the lady Elizabeth his wife were alſo parties. |

823
Carta. 20. Nov.
8. Jac :

In the 8th of king James, in conſideration of 800^{li}, hee fold to Thomas Yate and his heires the manor of Erlingham in the county of Glouc., which was part of that land hee had by compoſition the year before from the lord Viſcount Liſle.

In the ſame year alſo for ſatiſfaction of that ſum of money which hee paid to the ſaid Viſcount Liſle, and for diſcharge of his own former debts, hee raiſed—1183^{li} by the ſale of twelve tenements in Wotton, Nibley, and Cam, in ffee farme, which hee fold to Walter Osborne, William Ven, John Staunton, Arnold Oldiſworth, Thomas Perry, Thomas Adams, Robert Dawe, Rob^t Smyth, Thomas Trotman, William Marten, John Wilkins, and Edward Trotman jun^r; In all which this lord reſerved

reserved the former old rents Heriots suite of Court and all other services before paid or done.

And at the same time for the same causes hee sold certaine outlands in Horton Kingscote and Minchinhampton to Arthur Came, William Shipton, and Edward Barnefeild, for which hee had six hundred pounds.

As for the lands in Calais, they were lost when that Town was in the time of Queen Mary taken by the ffrench. **And** the lands in Thorpe and Kingston in the County of Nottingham hee gave to Thomas Read his bayly of Segrave ; which were after swallowed up by the great manor of the Earle of Shrewesbury, wherein they were.

And in place of all these manors and lands thus sold for—41399^{li} 13^s hee purchased of M^r Beconsale in the 13th year of Eliz. the little poor manor of Canonbury, of the value of—5^{li} 11^s 8^d p Anñ., out also of which is issuing to the Crown an yearly tenth of 2^s 4^d ; sometime parcell of the possessions of the oft menconed Monastery of S^t Augustines by Bristoll, of the foundation of the lord Robert the first, late Thomas Sackviles lord Buckhurst ; which is all the land heretofore given to any monastery or other religious use which this family hath had since the first suppression of Monasteries or | other religious houses ; Whereby this noble family seems plenarily absolved from that black observation of divers modern historiographers and divines, who write to have observed many great families, purchasers of church lands, to melt to nothing ; And wish that the residue might bee observed in times to come, whether they also consume not by riot or improvidence.

824

Heyward in vita
E. 6. fol : 155. et
div'fi alij.

As for Tythes heretofore belonging to Church or Monastery, this family hath none at all, no not in their own manors ; whereby none of the sharpe pens of divines censuring those as sacrilegious persons that receive tythes or any other thing that hath heretofore been set apart and consecrated to Gods service ; making it sin and sacriledge to take or keep them from Gods Ministers, doe at all smutt or point at this family : Neither did the minority of this lord Henry, (although then a Baron,) permit him to bee any of those parliament men in the 27. 31. and 38. H. 8. or in. 1. E. 6., (all those times under fourteen years,) that suppressed religious houses and Chanteries ; cryed down in print by Armies of divines in these daies, to have done like wicked Judges, who banished the thieves but took the stolen goods unto themselves.

Pet

Het was, upon a title pretended to this wholl manor of Canonbury by the Crown, a new patent enforced to bee procured in the end of Queen Elizabeth, whereby this lord welnigh made a new purchase thereof, in the name of John Denis and others.]

825

His Buildings.

Warrant under
seale in Berkeley
Castle.

The 27th of March in the tenth year of Queen Elizabeth, Anno 1568, this lord from Callowdon directed his warrant to his servant Henry Ligon to new build a Lodge in that part of Michaelwood upon the hill where now it standeth, called the park hill ; for that the old is the former place and one other in another place of that chace were grown into utter ruin and decay, (saith the warrant,) ; which was done, and paid for by William Lawrence his then Receivor who likewise had a warrant to issue out the money.

About the 22th of Elizabeth was the porters lodge, the buildings towards the great poole on the northwest part, of Callowdon house, with the brewing house, the stables, and many other out houses both within and without the mot, built of new ; And the roofs of divers of the houses of those old castle buildings taken down and soe far altered that the whole house might bee said to have been moulded and made new ; But for the banquetting house on the northside of the said poole, it was the polite work of the lady Elizabeth wife of S^r Thomas Berkeley in the fortieth and one and fortieth years of Queen Elizabeth, And the retired Cell of her soules Soliloquies to God her creator.

Annis. 35. et. 39.
Eliz :

At other times this lord built all the new timber buildings at new park lodge with some of the out houses, whereto his grandchild the lord George hath lately given a fair addition ; And put also the lodge in Whitcliffe parke into that comelines it now rejoyceth in.

Anno. 29. Eliz :

826

This lord also made of new the stone bridge leading into Berkeley castle, which before was a draw bridge of timber ; And set | up those faire stone pillars and buttresses, whereby the Keepe and great kitchen seeme supported.

Others of like condition at Yate Mangottsfeild and other places hee repaired, which being now fold away I pass over, and come to the title of this lords recreations and delights, wherein hee tooke too great a delight.

His

His recreations and delights.

How this lord entred upon his pleasures, or rather his pleasures upon him, so soone as his youthfull years were capable of delights, it hath already been related in the title next before his law suits.

The hours may seeme too many which this lord spent in his best ages at bowles tennis Cockpit Shufgrote cards and dice, especially when hee liked the company ; **And** I will, without blemish to his honor, tell his posterity, That his longe and slender lady-like-hand knew a dye as well and how to handle it as any of his ranke and time : Infomuch as once about twenty years agoe at Callowdon, playing at the Irish game at tables with Francis Stafford one of the yeomen of his great chamber, for three pence a game, And having the game in such assurance That almes-ace would have carried all his table men, hee turned his face to my self and others then standing by, and merily said, will you see mee loose this game by throwing lesse then Almes-ace ? And so hee did indeed, by casting one dye upon the other in the corner of the tables, and the ace peepe upwards, on the other dye ; whereat when wee wondred, hee said that hee had not done the like, (though often assayed,) of many years before. **But** | his cheife delights wherein hee spent near 827 three parts of the yeare, were, to his great charges, in hunting the hare fox and deere, red and fallow, not wanting choice of as good hunting horses as yearly hee could buy at faires in the North ; And in hawking both at river and at land : **And** as his hounds were held inferior to no mans, (through the great choice of whelps which with much care hee yearly bred of his choicest braches, and his continuall huntings,) soe were his hawks of severall sorts ; which if hee sent not a man to fetch from beyond seas, as three or fower times I remember hee did, yet had hee the choice as soone as they were brought over into England, keeping a man lodging in London, in some years a month or more, to bee sure of his choice at their first landing ; espetially for his haggard falcons for the river, wherein hee had two that fell in one after the other, and lasted twelve or more years, the one called stella, and the other kate, that were famous with all great faulconers in many counties, and prized at excessive rates, esteemed for high and round flying, free stooping, and all other good conditions, inferior to none in Christendome ; whom my self in my younger years waiting upon his son Thomas, then not twelve years old, at Binly Brooke, have in the height of their pitch, lost the sight of, in a cleer evening : **And** for huntsmen and falkeners, noe man could bee better served than this lord ; Of whom I may not omit the naming of Tooly and Guy Good, men singuler in their professions, And (as may bee said) borne and bred for the delights of princes and their

their peeres : **B**ut being in a title whereto my self was neither born nor bred nor ever much delighted, and loth to borrow words for adorning of these his sports out of the books of those who have extolled these recreations, I will conclude a world of matter which mine eye and ear could speake hereof with the old verse, Omne tulit punctum qui miscuit vtile dulci,

Hee of all others is the noblest wight,
That intermixeth profit with delight.

828 And I remember that in the 39th of Queen Elizabeth, after the | death of his wife and before his second mariage, at the first coming of John Crefwell his Steward of household, giving him authority of displacing whomsoever hee found in his house disorderly, hee by speciall words exempted his Cookes Huntsemen and faulkeners ; which intimated to the observation of all his family then present his inbred inclination to his sports, and to hospitallity, which was generally applauded.

His Hospitallity.

What household port this noble lord for his first twenty years after full age, that is till the beheading of his brother in lawe the Duke of Norfolke in the 13th of Queen Elizabeth, had kept, hath before appeared ; About which time the tide began to turne with this family, And their full sea ebbd ; Espetially when the power of Robert Dudley Earle of Leicester, often before mentioned, under his Court greatnes and Queen Elizabeths title, and the sale of eight or more manors by that time sold away, had drayned soe great a portion of their possessions : from which time, upon this lords returne from sojourning with S^r Thomas Russell at Stransham, the check roll of his servants was shortened forty persons at the least, and many un-usefull people pared of ; Howbeit the faile this family still bore for the next twelve years or near thereabouts, seemed full, and the gale faire ; And his hospitallity much renowned in all the neighbourhoods of his abodes ; But then about the 26th of Elizabeth, upon the second recovery of Arlingham with the other manors and lands contained in the second information, formerly also mentioned, And the further sales of seven or eight other manors that had in that time been
829 done away, upon this lords returning from sojourning with S^r John | Savage of Baraper, the former checkroll of his household servants was againe further shortened twenty persons at the least, and a second paringe of other unusefull drones : Howbeit, removing from Baraper to the white ffryars in Coventry, And my self at that time first becoming a member of that household, I well remember the number then was about three score and ten of all forts ; In which condiçon it continued till
within

within a year or two before his wife the lady Katharine dyed, and the mariage of his eldest son to the daughter and heire of George lord Hunsdon, as after followeth: And thence forth till his death in the Eleventh of king James, whether hee lived with his second wife at her house in Barbican in London, or at Callowdon (as most hee did,) it was very honorable and praise worthy though short of the former greatnes: **And** I write what more then . 200 . times I have observed, That noe monies went foe cheerfully out of the purse of this noble lord as those which were delivered to the Steward, Clarke of the Kitching, Purveyor or Cator, for the provision of his family: And in what honorable fashion this lords family flourished at Callowdon till the day of his death and some weekes after is not unknown to my dedicatees, at their breaking up of that family and their departure, the mother and son for London, And the lady her daughter with S^r Robert Coke her husband for Coventry; **And** for the regulating of this family let these standing orders ensuing speak for all, composed by M^r George Savage then Archdeacon of the County of Glouc. and M^r Cheney, sometimes Stewards of household, M^r Payne the old ladies gentleman usher, and two or three others of this lords officers, And by both lord and lady approved of, as followeth, viz^t,

1. **The** gentleman usher to bee in the dininge chamber in summer by seven and in winter by eight of the clocke, or fooner if strangers bee there, and to see every thing therein set in order, according to the season of the year: That himself bee not only at service, but doe see the rest of the gentlemen to bee there also to heare service, when and foe often as any shall bee either in the great Chamber or Chapple. Gent. usher and
Gentlemen:

2. That noe gentleman come into the great chamber without his cloake | or 830
livery coate; And when there are strangers, to bee all or most part in the dining chamber after dinner and supper, to shew themselves and doe such service as cause shall require.

3. That noe gentleman bee absent at dinner or supper times without speciall lycence, and then not to break their time appointed for their returne.

4. The said gentleman-usher to see all strangers of worth and that shall bee admitted the great Chamber well entertained for the hon^r of the house, and that they want nothing necessary at their Chambers; And when any gentleman of quality shall come, that hee and the rest of the gentlemen bee ready to bring him into the great Chamber, and when such a one goeth away to bring him to his horse.

5. That

5. That noe gentleman (the gentleman usher excepted) shall come into any of the Offices besides the buttry or cellar, in absence of the gentleman-usher, to give entertainment to strangers.

6. The gentlemen to come to the dresser at the first call of the usher, and there to behave themselves decently without noise or uncivill behaviour.

7. When the lord himselfe rideth abroad, the gentleman usher to see the gentlemen to ride before, two and two, decently without any lewd speech or other rudeness.

8. If the Usher of the hall, hearing great noise at Dinner or supper times, shall bid make lesse noise, noe gent^man to seeme to scoffe or jest at him, but orderly to use moderate speech for the better example of others.

Yeomen.

9. All the Yeomen to bee ready in the Hall before the time of service, and to goe up with the Yeoman usher to prayers, and none to bee absent without speciall licence or other earnest employment.

10. Noe Yeoman to lye out any night, but to bee in their lodgings by 9. of the clock at night.

831 11. Noe Yeoman to come into the buttry, pantry, cellar, kitchen, scullery or other offices, except they shall have buisnes there by | their lords employment, nor to give any ill language to any Officer that shall reasonably tell them thereof; And each disorderly person therein upon proove made by the officer before the steward of household, to loose his service, or undergoe other punishment.

12. All the Yeomen to come at the first call to the dresser, and there to behave themselves civilly, and without noise and rudenes, but to carry themselves as in duty becometh that service.

13. The Yeoman usher, yeoman of the great chamber, and usher of the hall, to bee directed by the gentleman usher how they shall use their offices, by whose authority they are to bee commanded touching their orderly services.

Porter.

14. The Porter to let in noe strangers but by the appointment of the Steward of household, except gentlemen or men of good fort.

15. The

15. The yeomen of the dining chamber daily to strew the rushes : to take out all spots as shall happen in the carpets, chaires, or stools ; to dust the cushions ; In the winter to have fire in the chimney, and in the summer flowers in the windows : either both or one of the yeomen to be there continually waiting, to remove stools, snuffe the lights, and to light gentlemen strangers to their chambers, when they shall goe from thence to bed ; And that they suffer noe doggs to come into the dining chamber.

Yeomen of the
dining chamber.

16. No yeomen to be absent at serving up of liveries in gentlemen strangers chambers, if any strangers be there.

Serving up of
Liveries.

17. When the lady shall ride abroad, the yeoman usher to discharge his duty in causing the yeomen appointed to ride to keep together, without tarrying behind their company and scattering abroad ; And when they come through any Town, the yeoman usher to place them by two and two orderly.

Riding abroad.

18. Noe yeoman upon leave obtained to ride abroad to break the day appointed for his returne, without some speciall and manifest cause thereof.

Keeping of daies.

19. Such yeomen as shall be appointed by the gentleman usher to waite in the dining chamber, when my lady sitteth abroad, | shall with due reverence and diligent attendance doe such service as they shall be appointed by the gentleman usher in each respect.

832

Keeping of daies.

Other orders there were, particularly reflecting upon this lords wife, here omitted, little desiring to meddle in the matter of woemens greatnes.¹

His rewards to servants.

I will not come too neare the heeles of this title, nor draw a needlesse envy from the sons and survivors of such whom the bounty of this lord Henry raised and rewarded in the first ten years after his full age and restitution to his Barony of Berkeley, what times the least deserving of twenty or more then in relation to this family in the severall Counties of Glouc., Somset, Leicester, Darby, Huntington and Suffex, had their barren feilds watered from this lords bounty, some for years, others for lives, with the value of 60^{li} 80^{li} 100^{li} 150^{li} 200^{li} and 300^{li} a peece by the year

¹ Certain Orders for the regulation of the Household, found at Candover Hall, were in 1601 given by this Lord's second wife.—See Appendix to this Life. [ED.]

year and more, above the rents reserved upon such leases, some of which determined not till within three years now past; the most of them rather bred to drink sport and play, then for merit or employments; Neither grew this lords bounty much dryer to sundry others in the riper part of his life, As the living may witness, and the Annuities left issuing out of his lands at his death doth testify, And as in his last will and the Office found after his death hereafter mentioned is specified:

833 **Only** of my self I will write in particular, that the faire aspect of this lord for almost thirty years | before hee dyed, and also of the lady Katharine his first wife and of their son and granchild the now lord George, with the lady dowager the grandchilds mother, have by a liberall influence shoured by former and later raines more bounties upon mee then I have either means or daies remaining to deserve, otherwise then by this humble and thankfull acknowledgment: Into which bountifull catalogue conferred on my self, let mee also bundle up the noble curtesy of this lords visiting mee at Gloucester, in my dangerous sicknes of six weeks continuance in August and September, 1608. Anno, 6^{to} Regis Jacobi, what time I lost the use of reason and all mens hope of recovery; And by a gratefull memoriall acknowledge the unicornes horne Befaar stone and exquisite Jellyes, often by him sent unto mee, whereby my daies seeme reprieved to this present; **And** I desire this humble digression may reach also by like thankfulness to the aforementioned lady Dowager, mother of my lord George, acknowledging her like noble curtesy of travelling many miles to Wotton Underedge 12. years after, to visite mee in another sicknes, which report had declared likely to bee the cloeing of my pilgrimage. By the memoriall of which memorable curtesies, my desires have enlarged my travailes about these relations.

His Almes and devotions.

The former titles of hospitallity and of rewards to servants, challenge this of this lords Almes and devotions in the next place.

834 **As** touching this lords Almes to the poore, it was three daies in the weeke wherein the poore of 4. 5. and six country | parishes and villages next adjoining to Callowdon were releived, with each of them a messe of wholsome pottage with a peece of beoffe or mutton therein, halfe a cheate loafe,¹ and a kan of beere; besides the private Almes that daily went out of his purse, never without eight or ten shillings

¹ The second sort of wheaten bread, ranking next to manchet. There were two kinds of Cheat-bread, the best or fine Cheat, and the coarse Cheat, ravelled bread. The second sort used in the Halles of the Nobility Gentry onely.—(*Hallivell.*) [ED.]

shillings in single money, of 2^d 3^d and groates, And besides his Maundy each thursday before Easter day, wherein many poore men and women were clothed by the liberallity of this lord and his first wife, whilst they lived: And besides twenty marks or twenty pound or more, which thrice each yeare against the feasts of Christmas, Easter, and Whitfontide was sent by this lord to two or three of the cheifest inhabitants of those villages, and of Gosford street at Coventry, to bee distributed amongst their poore according to their discretions; All which to bee true, besides mine own knowledge, the living and graves of the dead that relished this his pious Almes and charity, doe testifie with mee.

And for his publike frequenting of service and fermons, and for his private devotions in his chamber, I have many and many times seen and observed him assoone as hee was out of bed and clothed, to bee upon his knees in his bedchamber, calling upon that God for mercy and forgivnes to whom his foule is now singing alleluia for the mercy and pardon it hath received; And many and many times hath this right hand of mine that thus transmitteth this passage to his posterity, laid his cushion and brought his prayer books, and againe taken away the same: And often and againe have these feet of mine attended at his chamber doore for acceffe whilst thus piously hee hath been in his Soliloquies with God: This I tell his children, and let them tell their children, and their children another generation, That this was the pious practice of this their Ancestor; who out of the fervency of these his devotions still seemes speaking to his grandchild and heire, as king David in his old age a few dayes before his death did to Solomon his son; And thou George my son, know thou the God of thy father, and serve him with a perfect heart and with a | willing mind: for the lord seareth all hearts and understandeth all the imaginations of the thoughts: if thou seeke him hee will bee found of thee; but if thou forsake him hee will cast thee off for ever.

Joel 1 vers 3.

3 Chron. 26. vers. 6

835

His Missellanies, or various passages, not reducible under any of the former titles.

1. In the yeare 1593. the Inhabitants of Howby in the county of Leicester, by their petition in writing, complayned to this lord Henry against Sir George Villers knight for a great inclosure by him unjustly made of their Cow pasture and of a great part of their arrable lands and Comon feilds, wherein hee had also inclosed part of this lords land, and part also of the gleabe land of the Rectory of Howby whereof this lord was patron: Hereupon my self was sent to enter and dig down part of the ditch and quick set, which I did in severall places: Sir George came

came thereupon to this lord at Callowdon, And promised foe fair to recompence each party greived, that further proceeding was not, untill another petition or remonstrance came under the hands of most of the said inhabitants especially of those holding of M^r Brokesby, that they were satisfied by exchanges and otherwise; Howbeit sith noe writing touching that conclusion was amongst them, nor yet is, It is not unlike but in time to come some prejudice to this lords posterity and to those Inhabitants may grow thereby; the cause why this memoriall is here set down.

2. **I**n the year 1597, one Edmond O-nele, who pretended himself to bee a Romish Bishop of Ireland, was apprehended at Nuneaton not farre from Callowdon where this lord then lived, as a forraigne spye or intelligencer; One Edward Pynne then a schoolmaster in Nuneaton, publiquely before two Justices of the peace affirmed
836 That O-neale should in private request him to | goe to this lord Berkeley in his name, and bid him come and help him, hee then going towards the comon gaole: which brought this lord some trouble and danger: but in the end hee was discharged by the privy Counsell, And Pynne the Schoolmaster laid open to bee a lewd and factious knave.

3. **T**he greatest part of this lords abiding after his mothers death, happening in the sixth year of Queen Elizabeth, was at Callowdon till his own death in the eleaventh of king James; from whence once in two or three years hee used in July to come to Berkeley, not comonly by one way, lodging in his journeys at the houses of gentlemen his freinds and acquaintances, As at Claredon, Milcote, Clifford, Sainbury, Shirborne, Saperton, Lackhampton, Cassies Compton, Gloucester, Ellmore, ffrocester, Lasseborrow. Downamny, and some others, by bending his journeys sometimes on the one hand and sometimes on the other. **I**t was an innate disposition in him to avoid lodging at Comon Innes; **I**n his last daies Journey to Berkeley I have often attended, when I have observed him met by the way and accompanied with 300, 400, and 500, horse of his kindred freinds and tenants ere hee came to Berkeley town, though he usually set forth from Callowdon with feldome above fourteen or sixteen; which confluence of trayne, how it daily doth and more is like to degenerate, let his posterity observe and declare to their generacõs.

4. **K**ing James the 14th of August in the first of his raigne, Anno 1603, made this lord Henry Lievtenant of the County of Glouc.; whose deputies were, S^r
Richard

Richard Berkeley knight and William Dutton of Shirborne Esq^r, authorized from him by his severall writings of deputation under his hand and seale.

And the 26th of May in the 7th yeare of his raigne, the said king James by his other tres patents of new granted to this lord the said Office of Leivtenancy within the said County and within the Citie of Gloucester, more amply then at first: Both which remaine in Berkeley Castle under the great seale of England.

5. **Touching** all passages in that office and authority of Leiv- | tenancy his Sollicitor for his better dispatches kept certaine books, wherin all tres from the king the privy Confell or any others and his answers were entred; and also how each particular gentleman and other inhabitants of that County, and in the County of the Citie of Glouc., aswell of the Clergy and Laity, were charged with armes, foote, or horse; And of what age Stature and abillity each one in that county was of, were likewise particularly expresse, with such other remembrances as seemed incident to that honorable office; And also what soldiers were during his leivtenancy sent into Ireland, and how furnished and at what rates and how raised; wherein to y^e honor of his memory I will tell his posterity, That in sending of one hundred soldiers in the sixth of king James for Ireland, hee observed that some were pressed out of malice and displeasure, and for other unapproveable ends; whereupon calling all the soldiers together to Glouc., then accompanied with one hundred gentlemen at least of the county, hee openly published before them all, That if hee might understand of any that had given money to stay, hee should stay, for hee would not have any to goe and loose his money alsoe; And if any there could prove himself to bee pressed by Constable or other for malice or displeasure, or for other private ends, hee should not goe; By which means hee having discovered many of both kinds, hee caused restitution of the money taken to bee made to a peny, but sent that soldier that gave it; And released divers of such as appeared to bee maliciously pressed, saying, (then in sadnes without dissembling,) That none of what quality soever should make his authority an instrument of quit-tance or revenge: And lastly, as each of those soldiers was called by name and deliver'd to their conductor, hee caused my self to put 12^d the peice into the hand of every soldier out of his own purse; which course drew upon him a world of good words praises and prayers from each one present: And I also remember that at that instant of departure, one of the soldiers openly greived and wept at his going, which
all

837

4 libri in Castro
de Berkeley.¹

¹ This interesting Volume is now in the possession of Reginald Cholmondeley, of Conover Hall, Co. Salop, Esq., Smyth's lineal descendant.—See Pedigree, Vol. I. Preface. [ED.]

all the other 99 observing, they fell upon him with opprobrious words, of Coward, Cotquene,¹ milkfopp, dishwash, and the like, and with one unanimous request befought this lord That so base a Coward might not bee of their bond; whereupon,
 838 having been disrobed of his Armes, hee was with much reproach | sent home, and another put into his place: for which supplies, if occasions so required, this lord had to that instant kept three or fower in store.

6. The Maier of Wotton hath usually a Mace of silver borne before him by the Serjeant of that burrowe, with the Armes of the lord of that Town on the lower end thereof; which were the lord Lifles, And so had from the time of Henry the sixth continued till the first of Queen Elizabeth, when that old Mace was sold, and a new made with the Armes of this lord engraven that year upon it: which againe in the 15th year of that Queens raigne, upon the losse of that burrowe town was defaced, And a new Mace made with the Armes of the then Earles of Warre and Leicst engraven thereupon, which continued till the 8th year of king James; And then was that mace againe excluded, and a new bought, (much longer then any of the rest,) with the Armes of this lord Henry engraven thereupon. To which last alteration my advice was guided by the president of the fifteenth of Elizabeth formerly mentioned; what time also the prudent officers of those two Earles drew into their hands each lease and Copy formerly made in any of those manors, then recovered against him, whereto the name of Berkeley was, to extirpe the rather the memoriall of that name: Howbeit that divine providence that often turneth the actions of men to other ends then they were intended, hath of late years brought all the same into Berkeley castle in great files and bundles, to the perpetuating of that name whereof they intended noe memoriall, as in part is before touched amongst the law suits of this lord.

fol: 782.

Carta. in castro de
Berkeley.

7. Charles Howard Earle of Nottingham, high Admirall of England, by his patent dated the 14th of November, 1603, in the first year of king James, constituted this lord Henry his vice Admirall upon the river of Seavern throughout the county of Glouc.; which hee enjoyed till his death. Whose Steward my self was therein.

8. In May - 1609. in the 7th year of king James this lord caused a view to bee
 839 taken of all manner of trees growing upon any of | his tenants lands holden of him,
 by Indenture or by Copy, in the counties of Glouc. and Som^{set}, and upon what
 Lib[er] vocat le
 Woodbooke in
 castro de Berkeley. ground

¹ A man who busies himself with women's affairs. [ED.]

ground, with an estimate of their value; And what trees had been cut by any tenant within three years before, and how they had been employed; which providence begot a faire book shortly after written by Witm Archard one of my Clarks, and prevented many of those wafts that tenants ordinarily do comitt, and lords neglect to punish.

9. **I doe** ascertaine this noble lords posterity that I spent a month and more, in tumbling over all such bookes of Officers and Ministers accompts as might informe mee and I them, what the totall sum was of all moneys which came to this lords hands, and were raied in rents, fines, heriots, sales of Coppice woods, and of timber, and in the sales of the lands hee made, in the benevolences of his tenants thrice given him, and lones (never repayed,) And in the Aydes hee had from his freeholders, monies paid for Confirmation of Customs of Bosham, Auconbury and ffenystanton manors, And for such wardships, releefes, and other casualties as happened and came to his Coffers and were put into accompt, from the first of Queen Mary to his death in the eleventh of king James, the space of threescore years; And that the totall thereof cometh to two hundred and sixty thousand and five hundred pounds: **And** withall, that I am confident (out of the industry of my labors therein) that I have not erred two thousand pounds: Telling also his posterity out of mine own knowledge, for thirty years before hee dyed, That whatsoever money this lord received or after issued out, it was exactly set down in writing, And at his generall Audit at the years end cast into the Accompt of his receivor generall: And that for such ready monies not otherwise issued but delivered to himselfe, which was the half of his yearly revenue at the least, That hee not only kept with himself a booke of the receipt thereof, and from whose hands it came, and of what nature it was, but also how each peny thereof was paid out by himself againe, whether deliver'd to the Steward of the houshold, purveyor, Clarke of the Kitchen or Cator, or otherwise issued, for which they againe accompted: Only what thereof hee would should bee concealed, hee entred (as being put into his purse;) Some of these books and accompts are in Berkeley Castle, but more of them came after his death, (much against | my desire,) to the hands of his two executors, S^r William Cooke and S^r Thomas Estcourt; with whose executors the same still remaine as I conceive: The use and application whereof I leave to his grandchild and heire and his posterity, as under that title after followeth.

Monies raied.

840

fol: [885]

10. **I map** not omit the mentioning of this lords fynes recoveries and other conveyances for the establishment of his own lands, because the ready finding thereof

Fines & recoveries

thereof in one bundle together cannot but bee very usefull to his posterity, where-
at I only ayme.

exempl: in castro
de Berkeley.
Michas reū in
sc̃cio cum reū
thes: 9. Eliz:
rot. 169.

See fol: 743.

As how in Trinity terme in the first year of Queen Elizabeth this lord leavyed a fine fur conufans de droit of the manor of Symondfall, to Thomas ffransham and William Porter, by the names of the man^r of Symondfall, And of 1200 acres of land, 100. acres of meadow, 500. acres of pasture, and of 200. acres of wood, with the appurteñnts, in Symondfall and Wotton underedge; which was for confirmation of a lease for three score years made to S^r Thomas Parry of Symondfall farme, in revercōn of one other then in being for divers years to come.

Licent. dat: 16:
Apr: 7: Eliz:
Paschi: rec: 8. Eliz:
rot. 73. cum reū.
thefau^r in sc̃cio.

In Michmas terme in the 7th and 8th of Elizabeth this lord levyed a fine to William Porter and Savage of his manors of Slimbridge, Hurst, Came, Cowley, and Sages: And granted by an Indenture dated the 20th of May in the same yeare, an Anuity of forty pound p Anñ, out of those manors to Edward Berkeley of Bradley and Elizabeth his wife for their lives, in recompence of their surrender of the custody of Hawpark, which with the herbage at ten pound rent this lord had formerly given unto them; The licence of which fine cost this lord—
82^{li} 15^s 06^d.

Triñ: 13. Eliz:
rot: 1055. in
banco.
Ind: irrot. in Can^c
15. Eliz:
et. 16. Eliz: ps 36.
claus: rot:
michas: 15. Eliz:
rot: 1960. in banco.

In Trinity Terme in the 13th of Elizabeth this lord suffered Coñon recoveries of the Castle and hundred of Berkeley, and of the man^r of Berkeley, Alkington, Ham, Hinton, Wotton underedge at^s Wotton Serjeant, and of Wotton at^s Wotton fforren, and Erlingham: And in Michmas terme in the 15th of Elizabeth of the manors of Daglingworth, Tetbury, Bitton, and Hannam: The uses whereof by severall Indentures were to himself in taile with remainders to his daughters, (his son Thomas not then born, nor hoped for.) |

841

Hill: 37. Eliz: rot.
106. in sc̃cio.
Triñ rec: 38. Eliz:
rot: 123. c̃m reū
thefau^r in sc̃cio.
Pardon 6. Junij
36. Eliz: in Canc.

In the 22th of Elizabeth a fine fur conufans de droit was leavyed (inter alia) by Robert Earle of Leicester to Sir John Huband knight, John Dudley and John Nuthall Esq^{rs}, of the Castle and manor of Kellingworth and divers other lands in the County of War^r, and in other counties, And of the moitie of the manors of Wotton underedge and Symondfall, And of the moitie of the Burrow and forren of Wotton with their rights members and appurtenants in Wotton, Nibley, Cromhall, or elfewhere in the County of Gloucester.

Hill: 37: Eliz:
rot: 92: c̃m reū
thefau^r in sc̃cio.

In Trinity Terme in the 34th of Elizabeth a fine was leavyed of the moitie of the manors of Wotton and Symondfall by S^r Christopher Blount and the lady Lettice

Lettice his wife, Countes of Leiceſter, to Edward Barker and John Wakeman Eſq^{rs}, of the eſtate for life of the ſaid Lettice of the moitie of the manors of Wotton underedge and Symondſfall, and of the Burrow and Hundred of Wotton, and of 300. meſſuages, 200. cottages, 6. mills, 6. dovehouſes, 200. gardens, 200. orchards, 1000. acres of land, 400. acres of meadow, 400. acres of paſture, 800 acres of wood, and of 1000. acres of fures and heath, with their appurtenants in Sinwell, Combe, Wortley, Nibley, Serncliffe, Cromhall, Horton, and Baies in Horton, Wotton underedge, Simondſfall and Wotton, And of the moitie of the advowſon of the church of Wotton.

In the 39th of Elizabeth, a fine was leavyed by Anne Countes of Warrwick to her ſervants Vincent and Vaughan, of three meſſuages, three mills, and 330. acres of land, in Berkeley, Cam, Alkington, Wike, Newport, Stinchecomb, and Dursley; which in trinity Terme after was pleaded in the Exchequer to bee for the confirmation of two leaſes made by her to Arnold Oldiſworth and Richard Danford, of the two meſſuages of Corrietts in Cam, and of Holts in Alkington.

Trin: 39. Eliz:
rot: 91. čm reſm.
theſaur in ſc^ačio.

In Michmas Terme in the 44th and 45th of Elizabeth, A fine ſur conuſance de droit was levyed by Thomas Stephens and John Hunt to Thomas Gaddeſden and Euſtace Grubb, of the manor of Sages, Rowles Court and new leyes, by the names of eight meſſuages, three cottages, three tofts, two dovehouſes, nine gardens, ten Orchards, 300. acres of land, 100. acres of meadow, 200. acres of paſture, ſix acres of wood, and twenty ſhillings rent, in Slimbridge, Kingſton, Cam, Goffington, Hurſt, Berkeley and Hinton. |

Hil: 45. Eliz:
rot in ſc^ačio.
Michas. 44. Eliz:
in banco: rot: 10.
Licent: dat. 1.
Sept. 44. Eliz:
irrotulat^r in terme
hilla^r poſtea in
ſc^ačio

In Hill: terme in the 7th of king James Robert Sidney knight, viſcount Liſle, and Barbara his wife, and William their ſon and heire, (ſince dead without iſſue,) and this lord Henry and Thomas his ſon and heire, levyed a fine ſur conuſans de droit to William Dutton Eſq^r and John Smyth, of the manors of Wotton, atſ Wotton underedge, atſ Wotton fforren, Symondſfall, Came, Hinton, Cowley, Erlingham, Slimbridge, Hurſt and Sages, And of the Burrow of Wotton, and of two water mills, 800. acres of land, 500 acres of meadow, 1000. acres of paſture, 200. acres of wood, 500. acres of fures and heath, 10^{li} rent, views of frankpledge, goods and chattells of felons, and of fugitives and outlawed perſons, deodands, free warren, faires, marketts, and wrecks of Sea, and piſcaries, with their appurtenants in Wotton atſ Wotton underedge, atſ Wotton fforren, Simondſfall, Erlingham, Slimbridge, Sages, Hurſt, Goffington, Cam, Cambridge, Holts, Berkeley, Hinton, Alkington, Wike,

842
Hill: 7. Jac:
Recovery: Paſch:
8. Jac: rot. 57.
Licence to alien
1 Sept: 7. Jac:

Wike, Stichcomb, Stancombe, Nybley ats Northnybley, Serncliffe, Uley, Dursley, Combe, Wortley, Huntingford, Sinwell, Bradley, Kingfcote, Cromhall, Horton, Horwood, and Baies with their appurtñnts in the County of Glouc. ; And the next Terme after a recovery of the premifes.

Inq : 11 : Jac
post mort
Henrici dni
Berkeley in Canc.
Licence to alien,
dat. 1. Julij. 10.
Jac. in Canc :
Trin : Terme : 11.
Jac : in fe^cio ^cm
reñ thes :
all alienations are
pleaded and
discharged.

William Dutton Esq^r and John Smyth in Michmas Terme in the 10th of King James levyed a fine fur conufans de droit to Thomas Spencer Esq^r and Thomas Ligon, To the use of this lord Henry and his heires, of the manors of Wotton ats Wotton underedge ats Wotton Forren, Simondfall, Cam, Hinton, Cowley, Slimbridge, Hurst and Sages with the appurtenants ; And of the burrow of Wotton, and of the other p^ticulers as in the fine to them formerly mentioned is expreffed; many of which, (befides the originalls which are in Berkeley castle,) are alfo found in the offices of Sir Thomas Berkeley and of this lord Henry after their deaths in . 9 . and 11^o Jacobi Regis.

Hift : 10. Jac : in
Se^cio ^cm reñ
thesaur : rot.

In the 10th of king James was put into a plea into the Exchequer for avoiding a charge upon Oakley park, Wotton, Hackmill, &c., as Seymors lands exchanged with king Edward the fixth, which to know, is like to bee of use.

Sojournings
843

11. **Neither** may I omit the divers sojournings of this lord at the houses of his kinsmen and freinds, whereby hee both eased his purfe and tooke | a cleanly occasion aswell to shake of such impudents as hanged overlonge and unmannerly upon his table and stable, as to rid his house of wastfull and disorderly fervants ; and such as were not conformable to his tenets in religion, whom the popish inclination of an ancient gentlewoman many years attendant on his wife, and extraordinarily favored by her, had drawn into his family ; not otherwise without an household storme to have been foe calmly put of. **As** first in the time of Queen Mary this lord and his wife sojourned with the old Duke of Norfolke till hee dyed, at Keninghall in Norfolke ; And after his death for the last year of Queen Mary and somewhat before, with the Countes of Surrey his wives mother at Ryfing in Norfolke aforefaid.

In the 11th and 12th years of Queen Elizabeth this lord with his wife and family sojourned with S^r Thomas Russell at Stranham. **In** the 26th and 27th of Elizabeth this lord with his wife and family sojourned with his cozen germaine S^r John Savage at Baraper in Hampshire ; And in the 41th and 42th of Elizabeth with M^r ffeilding at Newnham.

Lastly,

Lastly, for most part of the fourth, fifth, sixth, and seventh years of king James, hee sojourned with M^r. Peito at the white fryars in Coventry ; and at Stoke, a mile from Callowdon ; at which times hee was maryed to his last wife.

Some other short removes this lord had with other of his freinds, here omitted, but not for above half a years continuance at a time : one of which was occasioned upon a letter which in the later daies of Queen Elizabeth hee received from that reverend prelate Doctor Whitguift Archbishop of Canterbury, gravely advising him to take notice of the dispositions of his servants and his wives waiting woemen in matter of their conformity in religion ; And how comely and honorable it would bee to see himself and his wife attended upon at service and sermons by his wholl family, praying his lordship to take from him the occasion of a second admonition, which hee by the means aforefaid fairly did : which tre this lord once showed mee.

12. **Maurice** lord Berkeley the sixth of that name did in the 7th of king Henry the 8th give the Rectory of Kegworth to Christ Colledge in Cambridge, now worth 250^{li} p Anñ ; In which grant it was agreed, That as often as the church should become void the Colledge | should within one month name two able Clerkes of their Colledge to the said lord, and his heires, by writing under their comon seale ; which lord should within six days after by his writing appoint one of them two to have the said benefice : Hawford the Incumbent dies in the 25th of Elizabeth, And the Colledge raied a question whether their two Clerks should come personally or not, And thereupon sent their nomination to this lord in writing, neither of whom hee would make choice of without sight of their persons : At last this difference coming to the determination of Gawdy and Ailyffe the two Judges of that circuite, they determined, That as often as the said Church of Kegworth should bee void, the Colledge should send with their writing of nominaçon the f^d two Clerkes personally to this lord and his heires, being in England, and not in ward ; which I remember was in the 4th of king James soe done, when Barwell, yet there living, obtained the nomination from this lord.

Kegworth
Advowson.

844

13. **This** lord about the 16th of Queen Elizabeth advising with Jeffry Ithell his Auditor and two others his ancient officers touching his household affaires, was by Ithell amongst other Counsells advised to be attended with none of his kindred, if hee could avoid them ; for, quoth hee, experience tells, that such will doe little, and expect much, and think a great reward too short, tho' the merit of their service bee none at all ; which speech coming to bee divulged amongst the servants in the
house,

house, malice forthwth added, That Ithell also advifed this lord never to keep fervant above two yeares, for afterwards their diligence would abate and they bee ever begging ; words hee spake not : But being from hand to hand delivered and beleived by credulous fervants, Ithell ever after had each officer of house and stable againft him and his horfes, when ever hee came for thirty years after; Which I here remember as a double caution for after Counfellors to private lords, To keep more fecret their advifes, And to overlooke the company before they fpeake freely.

845
Wages and
Liveries

14. **The** ftanding yearly wages of this lord to his houfhould | fervants were ordinarily five marks to a gentleman, fower marks to a yeoman, and fourty fhillings to a groome, with a tawny coate for fummer and a white frize coat for winter lyned with crimfon tafaty ; which I note for difference between times fo lately paff and thefe I write in, and which this family is further like to fee in it felf : And thereby with more caution to regulate their revenues : and yet fewe Peeres of this lords time were ferved with better qualified gentlemen and yeomen then I have known this lord to bee ; which I might the better note, for that I was his fteward of houfhould from the death of his firft wife till my marriage, and the coming of M^r John Crefwell who fucceeded mee.

Worthy Parke
Red Deere

15. **Queen** Elizabeth in her progrefse time in the fifteenth of her raig came to Berkeley Caftle, what time this lord Henry had a ftately game of red deere in the park adjoyning called the Worthy, whereof Henry Ligon was keeper ; during which time of her being there, fuch slaughter was made, as—27. ftaggess were flaine in the Toiles in one day, and many others in that and the next ftollen and havoked : whereof when this lord Henry, then at Callowdon, was advertifed, having much fet his delight upon that game, hee fodainly and paffionately in difcontent difparked that ground : But in fewe monthes after, hee had a fecret freindly advertizement from the Court, That the Queen was informed how the fame was foe difparked by him in repyning at her coming to his houfe, (for indeed it was not in her Jests,) and at the good fport fhee had in that parke ; Advifing this lord to carry a wary watch over his words and actions, leaft that, that Earle (meaning Leicefter) that had contrary to her fet Jests drawn her to this Caftle, and purpofely had caufed that slaughter of his deere, might have a further plott againft his head and that Caftle, whereto hee had taken noe fmall liking, and affirmed to have good title thereto, And was not farre from his manor of Wotton, lately recovered againft him : whereof when this lord Henry many years after told mee, I remembred him of the ftory of Thomas Burdets white bucke in his park of Arrow in Warrwickfhire, which hee greatly efteemed,

esteemed, killed by king Edward the fourth in the 18th yeare of his raigne ; upon the first hear- | ing whereof M^r Burdet in discontent wished the bucks head and 846
horns in the belly of him that moved the king to kill it ; and how that upon the misconstruction of those words hee was accused of treason, attainted and beheaded ; whereto this lord, more perfect in the story then my self, replyed ; Like foddaine passions made little difference between our words and wishes ; but that Burdet had been a great freind and Counsellor to the Duke of Clarence the kings brother, when between them there was bitter enmity, which to revenge, the king (said this lord) made these words but his colour to take off Burdets head.

16. **About** the 23th of Queen Elizabeth, the lady Katharine wife to this lord, **Bourne the Wizard**
by ill advice, wrote a secret tre to one old Bourne, then dwelling in the forrest of Arden in Warrwickshire, who (though falsly) was with many reputed a conjurer, witch, or foreteller of events, and of the periods of Princes lives ; sending the same by John Bott her servant, with direction to see her tre burned, and Bournes answer to bee returned in writing. Bott ignorant of the contents most dishonestly opened the tre, and kept it to himself, delivering the substance thereof to Bourne by word of mouth, with the reward sent to him ; what answer Bot brought back (a lye noe doubt) or what hee changed, or added thereto I know not : But this I know that a fewe years after, Bot was cast out of service, and by this lord Henry called to accompt about his receipts and disbursements in the new buildings adjoyning to Calowdon house, and of the gate house and other outhouses whereof hee had the oversight ; And touching his purveyance of Beoves and muttons, which hee for many years had made for this lords house : Bot, not able as it seemed to cleare his reconings, caused this lady by a gentlewoman ever near and deare unto her, and who had urged and perhaps wrote that tre, to understand that unles shee would take him off from those accompts, hee would reveale her tre written to that wizard Bourne where neither her lady nor her self should answer it. The lady and her gentle- | woman supposing that Bourne had both received and burned the tre, 847
desired of Bot to see it, not seeming to remember the contents thereof : But Bot, not intending to trust either of their hands therewth, offered for satisfaction to shewe the same to M^{rs} Anne Try, another Ancient waiting gentlewoman, and in good favour also with her lady, and cozen to the other, but could badly read ; which being accepted, Bot freindly invited into his chamber a younge man under 18. years of age, and lately become a servant to the ladies son by Botts meanes, at whose fathers house hee had often lodged as hee travelled to faires and marketts in those parts ; and obtained of him secretly to copy out that tre, in a like Romane hand, not im-
parting

parting to him more then barely to copy it out ; But that younge man suspecting fomewhat then and getting a little more inckling forthwith after, having observed where Bot laid up the originall tre, secretly got into Botts chamber found the tre and forthwith burned it indeed ; M^r Try made relation of the contents, which being well enough remembred, the lady made Bots peace with her husband ; But when it appeared that hee had not the originall tre to deliver up, as hee had vowed to do, the whole buisines was disavowed and Bot threatned with punishment as the author of foe great a scandall ; yet at last hee was discharged, and all couched under silence ; The copy also was burned, it never being further known either who wrote it or what became of the originall tre. The profitable use that may bee gathered here-
 fol: 886 hence shall appear under the proper title.

dangers escaped

17. **This** Lord Henry had three great deliverances from imminent death, as in his middle age hee would often comfortably remember ; The first whereof was in Kingswood chace neare Bristoll, (where himself under Queen Elizabeth was ranger,) as hee was gallopping upon a full speed through the fearne and brakes there to have rated the forehead of his hounds then in chafe after a wronge bucke. The second was not farre from his manor of Callowdon in Warrwicksh^{ire} then also in a swift gallop after his hounds hunting the hare. At both which times, the gelding
 848 hee rode on, called Brimsley, | (than which, I never knew a better,) being within less then his length first of an old Colepit unfilled up, hid from sight by those brakes, suddenly (in an instant as it were) upon the glimpse thereof threw himself flat upon his side : As likewise the second time the same gelding did, upon the like glimpse of a deepe pit of water like a well, kept also from sight by like fearne and weeds ; no other way in mans reason (as himself would say,) being for his preservation then the geldings foe casting down himself, without hurt at either time to his rider ; neither of those pits being by this lord discerned till hee was tumbling on the ground : The third was neare Holborne bridge in the parish of S^t Andrewes in London, what time his Coach horses in a furious course down Holborne hill, having cast off the Coachman, had run the coach and themselves besides that bridge into a desparate downfall, (as the passage at that time was,) if Laughan his Irish footman, (a man of extraordinary strength and footmanship,) had not by as swift a course and strength overborne the foremost horses against the coine end of a wall, which at that time stood neare the said bridge : Whereunto may bee added a fourth preserva-
 fol: 872 tion, not much inferior to the former, not 4 months before his death, which see in the title of his issue. This Laughan is that footman which 40 years past, upon the sicknes of the lady Katharine this lords wife, carried a tre from Callowdon to old

Doctor

Doctör ffryer a phyficion then dwelling in little Brittain in London, and returned with a glafs bottle in his hand compounded by the Doctör for recovery of her health, (a journey of 148. miles performed by him in lefs then 42 houres,) notwithstanding his ftay of one night at the phyfition and Apothecaries houfes, which noe one horfe could have foe well and fafely performed ; for which the lady fhortly after gave him a new fuite of Clothes.

18. **Such** was the humanity of this lord, That in times of Chriftnas and other feftivalls when his neighbour Townfhips were invited and feafted in his hall, hee would in the midft of their dinner rife from his own, and going to each of their tables in his hall, cheerfully bid them welcome : And his further order was, | having 849 guefts of honor of remarkeable ranke that filled his own table, to feat himfelf at the lower end ; And when fuch guefts filled but half his bord, and a meaner degree the reft of his table, then to feat himfelf the laft of the firft rank and the firft of the latter, which commonly was about the midft of his longe table neare the falt ; This I tell his pofterity, the better to knowe the practice of that time, and the pofture of this their noble ancestor beloved by all good men.

19. **This** Lord having M^r Lapworth his accuftomed phifitian, (father of Doctör Lapworth of Oxford that now is,) at his houfe, (himfelf keeping his chamber,) commanded his Steward of houfhould to bee carefull of his entertainment ; faying, that hee would not have his phyfician for his health fake, his follicitor for his eftates fake, nor his chaplin for his foules fake, to bee unregarded : which not well relifhing with his chollericke Steward, becaufe himfelf was not ranked in that Cattalogue, hee ufed ever after to welcome them, as perfons priviledged from his lords difpleafure, but their horfes with noe better provender.

His Wives.

This lords mother having bought the wardfhip of the body of this lord her fon of Thomas Earle of Suffex, to whom Henry the 8th had granted the fame as hath been faid and already written, provided for his wife Katharine, third daughter of Henry Howarde Earle of Surrey and of ffANCES his wife daughter of John Vere Earle of Oxford ; which Henry was beheaded at tower hill (in the life-time of Thomas Duke of Norfolk his father, then alfo prifoner in y^e Tower,) the 19th of January, 1547. in the 38th of Henry the 8th, but nyne daies before the death of that king. |

Mich : rec : 14.
Eliz : rot : 72. in
fc^ocio.
fol : [720]

This Lady Katharine (then of the age of fixteen) hee married at Kenynghall in Norfolke in September in the fecond year of Queen Mary ; And (as I have been informed,

850
Anno : 1554.

informed, by the bed side of the said noble Duke her grandfather, who gave her in marriage as hee lay in bed, then grown weake with age and sicknes; who having been tossed to and fro between the reciprocall ebbs and flowes of variable fortunes, not longe after finished his race of mortality in the same place.

Act in Berkeley
castle under the
great Seale.

This Lady Katharine was, at the parliament in the first year of Queen Elizabeth, by an unprinted act restored in blood, occasioned by the attainder of her said father.

Act: parl: 13. Eliz:
in Canc:

The portion which shee brought in marriage was not great, neither had shee any Joynture assured to her before the 13th of Elizabeth; At what time by act of parliament were settled upon her for her life in lieu of Dower, the manors of Segrave, Sileby, Mountforrell, Melton Mowbray, Dalby Chawcomb, Coldoverton, Witherley, and the hundred of Goscote in the County of Leicestershire; And the manors of Auconbury, Weston, Fenystanton, and Hilton in the County of Huntington; And the manors of Bosham, Thorney, and Huntingdon in the County of Suffex; And the manor of Callowdon in the County of the Citie of Coventry; And the manors of Kington magna, Flekenhoe, and Thurlaston in the County of Warre; And the manor of Bretby in the County of Derby; And the manors of Bitton and Hannam, Mangottesfeild, Daglingworth, Tetbury, and newparke, in the county of Glouc.; And the manor and hundred of Portbury in the County of Somerset; Which Joynture was two years after enlarged with the manors of Ham, Arlingham, and some others.

Carta: 8. Nov: 15.
Eliz: irroñ in Canc.
15. et. 16. Eliz: 36
ps. claus: rolls.

At which time this lord having only three daughters, estated the inheritance of his whole lands to descend upon them for default of issue male of his own body, under which vaile hee wrought that enlargement as after more perticularly is mentioned.

Of Stature this lady was somewhat tall, of complexion lovely both in the
851 springe and autumn of her life, but a little inclin-|ing towards an high colour; her haire somewhat yellowish; of pace the most stately and upright all times of her age that ever I beheld; of stomacke great and haughty, no way diminishing the greatnes of her birth and marriage by omission of any ceremony, at diet or publike prayers; whose book I have usually observed presented to her wth the lowest curtesies that might bee, and on the knees of her gentlewoman: of great expence and bounty beyond the means of continuance, of speech passing Eloquent and ready; whom in many years I could never observe to misplace or seem to recall one mistaken,

taken, misplaced or mispronounced word or syllable; And as ready and significant under her pen; forty of whose letters at least at severall times I have received; her invention as quick as her first thoughts, And her words as ready as her invention; Skillfull in the french, but perfect in the Italian tongue, wherein shee most desired her daughters to bee instructed; At the lute shee played admirably, and in her private chamber would often sing thereto, to the ravishment of the hearers; w^{ch} (to her knowledge) were seldom more then one or two of her gentlewomen; Howbeit I have known divers of her servants secretly hearkening under her windows and at her chamber doore; whom her husband hath somtimes there found, and privately stayed amongst them; of which number three or fower times my self hath been one.

And the more to verify what is written of this lady Katharine, I will insert verbatim one of her lres written to my self during the treaty of the marriage about her only son, which her posterity shall find cast by mee into their evidence house in Berkeley castle. John Smyth, I have received your lre, but doe not think good to shew it to my lord least hee should leave his suits in law wherof I have some good hope to a dangerous event, with an imagination that out of his own Judgment hee could conclude a profitable end upon the overture now made: These imaginations you know have not produced the best effects: If the motion for my sons marriage proceed, I doe then beleive the politicke lady will bee glad to come to an end; yet doe I fear her proffer rather proceeds of policy then from sincere meaning: I have observed that when shee sees any thing bending to our good, then shee proffers an agreement, and yet proceeds in lawe with all extremity. |

An: Co: of War:

Write weekly by the carier what is done with S^r George Carey; I beleive shee hath heard somewhat of that motion about our children, which makes this fained proffer of reference, but in any wise goe on with such circumspection in our law suites that shee may take noe advantage, and then leave the successe to God. I am very desirous to know what S^r George Carey intendeth to doe, not that I would have him know that I doe earnestly seek his resolution, for such forwardnes in mee will make him the more sparing in his offers: I doe affect the motion with that discretion, that I wish it as well for my lords comodity as my sons, but to the last I have the greatest regard. 852

My lord now writes to buy a suite of apparell for my son, wherein I would have good regard used, to bee of the fashion, lightly, fit for a young man, and of a good

a good shewe ; not too costly, not too meane, rather costly then too meane ; I hope it shall bee used for some cause of comfort.

I have sent you here enclosed—10^s to buy Ciceroes sentences, bound faire and of a good print ; bee carefull of the rest of my books, and follow my lords suits with diligent endeavours.

I hope M^r Chamberlaine will use the matter according to my last speech with him, that my lord shall not bee sent for to come to London : If hee doe, his expences will bee great and his causes rather hindred then furthered, not only law causes, but the motion for my son ; hee is plodding upon many changes of devises, not of the best, which I feele to remove what I may ; some of them, if they should bee put in practice, would dash all proceedings ; being here with mee I can perswade somewhat, but at London younge crafty Courtiers will lay baits which will bee swallowed with danger ; the safest way is to keep him from London, soe tell him. Callowdon this present Sunday in haste. May. 1595.

853 And in another of her lres to mee a few weeks after, hath thus ; Whosoever intends to match with my son shall only deale with my lord and mee : Meanes of motioning of marriages there must bee, and that hath been M^r Chamberlyn from S^r John Spencer, And now the wholl proceeding shall bee by my lord and mee, and S^r George Carey ; hee is my kinsman whom I love, and I ever have found freindly ; ffor conclusion, if all offers bee performed, with direct dealing, upon their motion, to my lord and mee, by some sufficient freind on their side, my good will shall appear in all reasonable sort, being not to my lords prejudice, and the parties likeing upon sight : Let my answer bee delivered according to the contents of my lre without either adding or diminishing, my intent is honorable and plaine.

In the first twenty years after her marriage shee was given to all manner of delights befeeming her birth and calling, as before hath been touched ; But after the beheading of the Duke of Norfolk her brother, and the frownes which State government had cast upon the rest, and others of her dearest kindred, with the harsh recoveries (or rather wrestings) of her husbands possessions, as hath been declared, (then grown towards thirty eight or forty years,) shee retired her self into her chamber and private walks ; which each faire day in garden, park, and other folytaries, for her sett houres, shee constantly observed : not permitting either her gentleman usher, gentlewoman, or any other of her house to come nearer

to

to her then their appointed distance ; When the wether permitted not abroad, shee observed the same order in her great Chamber or gallary.

In her elder years shee gave her self to the study of natural philosophy and Astronomy. And (the better to continue her knowledge in the latin tongue) in reading over her grammer rules hath three or fower times called mee to explaine something therein, that she seemed not fully to apprehend ; And in Hillary Terme A^o 37. Eliz. I bought for her a globe, Blagraves mathematicall Jewell, a quadrate, Compafs, Rule, and other instruments, wherein shee much delighted her self till her death.

I remember about three years before her death, one of her fingers in the two foremost joynts put her to much paine, which caused her to send for an excellent Chirurgeon from Coventry, who told her plainly, That either it must bee cut of by the palme of the hand, or else be launced all alonge to the bare bone ; which latter though farre more painfull shee made choice of ; At the time appointed her Surgeon desired her to sit, and that some of her strongest | servants might hold her, for the paine would bee extreame : To whom shee replyed, spare not you in performing your part, and leave the rest to mee : Shee held out her hand, hee did his office, shee never blenched or so much as seemed to take notice of the paine ; At which Romanlike magnanimity and fortitude of mind, the Surgeon seemed incredibly to wonder, as often after hee told my self and others. 854

Being in the 16th of Elizabeth the mother of three daughters, and almost without hope of more children, especially of a son, which shee for continuance of her house and husbands name much desired, extreemly greiving that the male line of this ancient family should end in her default, as shee accounted it, Shee acquainted M^r Francis Aylworth therewith, then of Kington magna in Warwickshire, a little old werish man, but an excellent well read and practiced Chirurgeon and physitian, And for many years a gentleman living in her house ; hee gave her hope of Conception, yea of a son, if shee and her lord would for a few months bee ruled by him ; This in a private conference between them three was agreed upon and promised to bee observed.

Children are given to men
It's God that giveth them.

Shee conceived and within one yeare after this communication brought forth a son called Thomas, father of the lord George of whom I am next to write, to her unspeakable

855
 Anno : 17. Eliz :
 fol : 820.

speakeable comfort, but never conceived after ; what time M^r Aylworth told mee this story about ten years after at Calowdon, (which I have at second hand heard also that this lord hath privately told some others,) hee added, That some month or thereabouts before her time of delivery, shee sent for him and kept him with her, And hee, (out of what observation I know not) being confident shee went with a son, offered to wage with her ten pound to thirty pound, that soe it was ; Shee accepted the offer, (most willing noe doubt to loose had the wager been thirty hundred ;) Affoone as shee was delivered and understood it was a son, the first word shee spake was, carry Aylworth his thirty | pound, which purposely shee had laid ready in gold in her Chamber : This being the eleventh of July, Anno, 1575. Shee also prevailed with her husband to sell him the said manor of Kington magna in September following, for 520^{li} which hee then held in lease for years, formerly by mee mentioned amongst this lords sale of his lands.

Ffor the awing of her family, (I say not regulating the expence according to the revenue,) and the education of youth, shee had noe com-peere, which I could much inlarge by many perticulers : I will only mention one instance, That as my self, in the 26th of Elizabeth (then about seventeen,) crossed the upper part of the gallery at the ffryars in Coventry where shee then dwelt, and walked, having a covered dish in my hands with her sons breakfast, wherewith I was hastening, and thereby presented her, (then at the farther end,) wth a running legge or curtesy, as loth too longe to stay upon that duty, shee called mee back to her, and to make, ere I departed, one hundred leggs (soe to call them) at the least, And when I had done well and missed the like in my next assay, I was then to begin againe ; And such was her great noblenes to mee therein, (then a boy of noe desert lately came from a Country Schoole, and but newly entred into her service,) That to shew mee the better how, shee lifted up all her garments to the calf of her legg that I might the better observe the grace of drawing back the foot and bowing of the knee : At this time the anticke and apish gestures since used in salutations, nor the ffrench garbes of cringing, were not arrived nor expected in England : But which is worse, your humble servant in subscriptions of ftes, hath since that time almost driven your loving freind, quite out of England.

It cannot bee said That any apparant vice was in this lady, But it may bee said of a wife as of money, they are as they are used, helpers or hurters ; money is a good servant but a bad master : And sure it is that shee much coveted to rule her husbands affaires at home and abroad, And to bee informed of the particular passages
 of

of each of them, which somtimes brought forth harshnes at home, and turning off of such servants as shee observed refractory to her intentions therein: As farre as was possible, shee had in her middle and elder years a desire to bee informed from the | grooms of her husbands bedchamber and otherwise, of his speeches, dispatches, 856 and purpofes; few fines or Incombes from his tenants were raised, and never any land sold, but shee had a fixt, 8th, or tenth thereout, unknown to him, so strictly held shee obliged to her the servants and Officers employed under her husband. (I write mine own knowledge, for many of her last years,) And received the usage of former times from my fellow Comiffioners employed in that kind many years before my observations; by us all disliked, but by none of us to bee helped. Most just it is, that all Toll should come into the right Tolldish: For the most part it falleth out That where wives will rule all they marre all, words I lately heard from wife lords in the Starchamber in the cafes of the lady Lake, the Countesse of Suffolke, and some others: These verses are ancient;

Concerning wives, take this an certaine rule
That if at first, you let them have the rule
Your self with them at last shall bear no rule
Except you let them evermore to rule.

For many of her first years after marriage, shee was allowed from her husbands purse and his Receivors what shee spent and called for, but that proved more burthenfome then her husbands revenues could beare: After shee undertooke to amend much that was amifs, and became his Receivor generall, to whom all officers forraine and domestick made their Accompts, But that proving more unprofitable, soone blasted: Lastly shee had . 300^l. by the yeare for her apparell and chamber expences, which allowance continued till her death.

After this lady had seen her son, and two daughters maryed, growing by degrees into a kind of Dropsey or watery timpany, shee departed this life the 7th of Aprill in the 38th of Elizabeth, Anno, 1596. at Callowdon aforesaid, then of the age Anno: 1596. of ffifty eight years or thereabouts, And was buried on Ascension day following, then the twentieth of May in Saint Michâlls Church in Coventry with the greatest state and | honor that for many years before had been seen in that Citie, or in those 857 parts of the kingdome, The manner whereof by direction of this lord Henry for his private fatisfaction (mourning all that time at Callowdon in his private chamber) I put into writing, A labour the more readily undergone, as the last service I could perform to the memory of her, who had to my younge years and education, both in her

her house, at Oxford, and in the middle Temple continued my benefactrix by the pension of Ten pound per Anñ: which here I present Verbatim, out of my rough draught as I delivered it fairer written to this lord Henry, the third day after the funerall, viz: :

A Declaration of the funerall of the lady Katharine Berkeley, as it was performed on Thursday the 20th of May, 1596. being Ascension day.

Her Corps having continued at Callowdon in the Chamber where shee dyed, honored with all accustomed Ceremonies aswell by night as by day, from wednesday the 7th of Aprill before, on w^{ch} day shee dyed, untill the second evening before the funerall, when the Coffin with her whole body inclosed was privately by persons of good quallity conveyed by night to Coventry to the house of Sampson Hopkins in the end of Earles Street; where honored with like ceremonies, it continued untill the funerall houre, which was in manner following.

The wholl traine being, as travellers from Callowdon and other places, assembled by ten of the clock in the forenoon, were by Garter king at Armes and Chester herauld, set in order and directed thus to proceed from the said house to the Church of S^t Michaell, in this manner.

first went six of your principall yeomen called the conductors of the traine, in longe black clokes, with black staves in their hands, directed to conduct the traine all the length of that street, to the Barre yates, and thence to crosse cheeping, and soe through the north side of Trinity churchyard, to the great west doore of |
 858 S^t Michaells church: Both sides of which passage neare a quarter of a mile longe, was impaled by many thousands of people assembled to behold the honor thereof; Next after those six conductors, in mourning gownes and Holland kercheefes, came 70 poore weomen; Then came thirty gentlemens servants in black coats, Then followed the servants of gentlemen and Esquires in black clokes; Next them the servants of knights in black clokes also; Then came your Lo^{ps} yeomen, And after them your gentlemen (all two by two) with some of the lady Stranges gentlemen interplaced with them, yours being 74. whereof my self went as one of her secretaries; Then the officers of your household, as Clark of the kitchen, gentlemen of the horse, Auditor, and Steward, in their gowns and hoods, your Steward bearing a white rod in his hand: Next behind the Steward came M^r Henry Beamont bearing the great banner of honor; After him followed the Esquires and cheefe gentlemen of the Country, as M^r Clement ffisher, M^r William Cotton, M^r Elmes, M^r ffulke Butteris,
 young

young M^r Beamont, &c. Then came your Lo^{ps} Chaplins, And after them, and next before the Coffin, went Chester herald assisted by M^r Walter Denis as a necessary marshall to the better direction of the traine. The Coffin was borne by eight of your cheife gentlemen and yeomen, and supported by fower other gentlemen of most note ; viz^t M^r Edward Deveroux, S^r John Spencer, S^r Thomas Leigh, and M^r George Shirley your son in law.

Neere to the fower corners whereof, went fower Esq^{rs} viz^t, M^r Robert Spencer son and heire of the said S^r John, M^r Bafell ffelding of Newnham, M^r Samuell Marrowe, and M^r William Norwood, each of them bearing a Baneroll, with her Armes and your Lo^{ps} quartered.

Next behind the Coffin came M^r Richard White as her gentleman usher, with a small white rod in his hand, accompanied with the gentleman usher of the lady Strange, both of them bareheaded, between whom went Garter in his kingly Coate of Armes. |

Next after them came the lady Strange, eldest daughter to the late Earle of Derby, and for this day principall mournereffe, in her gown, mantle, trayne, hood, and tippet of blacke, and in her parys head, tippet, wimple, vaile, and barbe of fine lawne ; on whose right hand went your son S^r Thomas Berkeley, and on her left hand your brother in law S^r George Carey, supporting her by the Armes, called the two principall assistants, who were apparelled in their gowns, hoods and tippetts of finest black : Then came M^{rs} Audeley Denis bearing the trayne of the principall mournereffe, apparelled as an Esquireffe in her gowne and lyned hood of black, with a pleated kercheefe and barbe of lawne. 859

Then came M^{rs} Elizabeth Berkeley your daughter in lawe, and the lady Carey, side by side, apparelled as Baroneffes, and in all points futable to the principall Mournereffe, save that their traines were tucked up and not borne.

Then followed in femblable order M^{rs} Deveroux and lady Leigh, apparelled as knights wives, in their black gownes, hoods, and tippetts, and in their round parys heads, boungrace, and barbes of fine lawnes.

In answerable order, next came M^{rs} Beomont and M^{rs} Spencer apparelled as knights wives like the former ; which seaven were called the seaven principall mournereffes and estates of the funeralls.

Next

Next after whom in like correspondency, two by two, came fower Esquireffes, viz^t, M^r. ffeilding, M^r. ffisher, and her daughter, and M^r. Dilkes, apparelled as the trainbearer, save that they wanted hoods.

Then followed your late ladys gentlemen, the principall mournereffes two gentlewomen, knights and Esquires wives gentlewomen, all like apparelled in black gownes, kercheefes, and barbes of lawn, to the number of fourteen ; And next after these came eight Chambermaids, fervants to the estates and ladies aforefaid, in gowns and kercheifs of lawne only, All which were furnished at the only charges of your L^dship.

After all these and last of all came M^r. Maier of Coventry, the Sherriuffs, Aldermen and Comons in great number, & great proporcion. |

In this order passed this traine with slow steps and frequent pauses to the church aforefaid, In the first Isle whereof stood the foresaid 70. poore weomen paling the passage on either side, through whom passed the whole action up to the east end of the church, where the pulpit was purposely placed, and also the hearse.

The 7. principall mournereffes were placed by M^r. Garter king at Armes within the inward raile of the hearse with their faces towards the same ; And the rest of the Gentlemen, ministers to the funerall, were placed in the utter railes about two yards distant from the Pall of the Coffin ; All others in seats next adjoining.

The company thus placed, And the psalme ended, (which had received the corse at the entrance into the Church,) your Chaplyn Edward Cowper ascended the pulpit, And towards the end of his learned sermon tooke a fit occation to speak of her learned and virtuous life, (a lady never known to dissemble or heard to fwere, which speech (modestly carryed,) sealed also with the knowledge of many hundreds there present,) wrought such effect, That seldom hath been beheld a more sorrowfull assembly at a subjects funerall, nor teares more dropping down.

The sermon ended another psalme was begun, during which all such mourners as before are said to weare heads of lawne, together with the two assistants, walked in procession wile about the hearse : In which procession the waiting gentlewomen and chamber maids were severed from the rest, and aptly seated on one side the Isle extending to the offertory, where they continued till all ceremonies were ended :

But

But all the rest by their circuler walk were feated in their former places ; which done, the offertory began, first by the principall mournereffe, and after by the other six each conducted by M^r Garter. Then were the banners offered up by such as formerly I have noted to beare them ; which finished, M^r Berkeley your eldest son, was by M^r Garter led to the offertory and there by him invested with the honor of his deceased mother, by delivery and acceptance of the banners and | other ceremonies ; which done, and hee solemnly conducted back to his former place, Then were next brought before the herse the two principall officers of houshold, the steward and gentleman usher, who after many obeysances and humble reverences, brake their rods, commending them to the custody of the corps and herse : which ceremony ended, the whole company arose, And in the order they came returned to M^r Hopkins house aforefaid, and thence to Callowdon, where your Lo^p for them and many hundreds more had soe plentifully provided, That the excesse herein appeared, when with such dishes as for the most part passed untouched at former tables, more then one thousand poore people were plentifully fed the same afternoone : And thus have you performed that part of your late tre to her brother the lord Henry Howard, That as her life was honorable, soe you intended her funerall should bee. Finis. Thus the paper I delivered to this lord. 861

Her body was after interred in a vault in the northeast corner of that Church neare the drapers Chappell there ; And I think it hardly possible to have all things better performed then were at this funerall, and after at the feast, wherein noe error was by any observed to bee committed, soe carefull were the servants of this lord in their severall offices and charge comitted to them ; who also for more comelines had attired themselves, the gentlemen in black sattin suites and black silk stockings with gold chaynes folded in black scarfes, And the yeomen in silk rasches,¹ grograns,² and taffeties, of black colours.

Reliquit nomen, narrantur laudes.
God graunt us all such race to runne,
To end in Christ, as shee hath done.³

His

¹ Rash, a kind of inferior silk.

² Grograin, a coarse kind of silk taffety usually stiffened with gum.

³ Sir Gilbert Dethick, who at this time held the Office of Garter King of Arms, and Marshalled the proceffion, has left in his "Funerals of Nobility," (1584—1603, Vol. II., pp. 528, 531, MS. in Heralds' College,) an account of this Funeral, for Notes from which we are indebted to the courtesy of S. I. Tucker, Esq., *Somerfet Herald*. The description agrees, except slightly in the number of persons present, with that

His second wife.

862 His second wife was Jane daughter of S^r Michael Stanhope | and widow of Sir Roger Townfend, whom before hee had two years continued widower hee maryed at S^r Giles Church without Creplegate in London, the Ninth of March in the fortieth of Elizabeth A^o 1597, then aged about 64, who survived him, And after dyed at her houle in Barbican on Satterday the third of January in the 15th of king James, 1617, in as ripe an age, loaden with many honorable and well reported daies.

Carta in castro de
Berkeley dat. 8.
marcij : 40. Eliz :

Howbeit, such was not alwaies the accord, but for this lords not performance of such Covenants as hee had entred into the day before his marriage, to the lord Thomas

of Smyth in the text, but it gives an account of some of the charges on such occasions, which may be read with interest. The following is the Bill of the Heraldic Painter :—

The Painters Bylle for the funeralle of the Righte Honorable the Ladye Berkley—

Item for a great banner of Armes	-	-	-	-	-	-	-	2	10	0
Item for iiij ^{or} Bannerowles at xxvj ^s viij the pece	-	-	-	-	-	-	-	5	6	8
Item for iiij ^{or} Dozen penfcles at x ^s the dozen	-	-	-	-	-	-	-	2	0	0
Item for iiij ^{or} Watertables w th supporters and Creste	-	-	-	-	-	-	-	2	0	0
Item for iiij ^{or} Comptement Escutcheons one paste borde	-	-	-	-	-	-	-	1	0	0
Item for vj Scrowles w th words one paste borde	-	-	-	-	-	-	-	0	18	0
Item for one dozen of great buckram Escutcheons	-	-	-	-	-	-	-	1	4	0
Item for one Dozen and a halfe of smalle buckram Escutcheons	-	-	-	-	-	-	-	0	18	0
Item for v. Dozen of pap Escutcheons on meatale	-	-	-	-	-	-	-	5	0	0
Item for v. Dozen of pap Escutcheons in Cullers	-	-	-	-	-	-	-	4	10	0
*Item the Irons and black stoncs	-	-	-	-	-	-	-	[0	3	4]
So ^m is									25 ^{li}	10 ^s 0

Robert Hooker

To which must be added the following—

M ^r G[arter] fee	-	-	-	-	-	-	-	-	x ^{li}
Gown and Liveries	-	-	-	-	-	-	-	-	x ^{li}
Transporta ⁿ	-	-	-	-	-	-	-	-	vij. viij ^s

Dettes and Charges

To Chester [James Thomas, Esq. was Chester Herald at this time]	-	iiij ^{li}	vj ^s	viiij ^d
Gown and lyveries	-	iiij ^{li}	xvi ^s	viiij ^d
Transporta ⁿ	-	iiij ^{li}	xiv ^s	
*The velvete pall and hearfe	-			
The paynters charges for Ban ^{rs} etc.	-	xxvj	xiiij	iiij ^d

Mr. John Smyth fervant to the Lo. Barkeley
hathe a note of a pedigre of me.

[Ed.]

* The amounts of these items are not filled in. In the first case 3^s 4^d is required to make the total correct.

Thomas Howard, (after Earle of Suffolke,) and to her brother Sir Michael Stanhope and others, which hee was charged in many tres and rescripts to have broken; They at her request and pressure, extended his lands in Gloucestershire upon a Statute of ten thousand pounds given by this lord for performance of those covenants, As by the Inquisition thereof taken at Berkeley the 15th of January in the 42th of Elizabeth appeareth; Whereupon shortly after followed such an agreement, as occasioned the sale of all the manors and lands which this lord had in the County of Huntington, to Sir John Spencer an Alderman of London, as before is written.

Rescripts. 1599.
et añ annis.

fol: 822.

Many learned men have longe since censured this amorous humour or dotage in old men. And Ovid in this disticke,

Seneca Plutarch
Comes purlicar
Ovidius Nafo.

Militat in teneris annis amor, hospes amænus,
Est in canitie ridiculosa venus.
In young men love is pleasant to behold,
But t's ridiculous, in one that's old.

And divers Canonists doe hold, That an old man cannot lawfully bee marryed, for fay they, The end of marriage is only twofold, for procreation of Children, and avoidance of fornication; And that if but one of these two ends bee only aymed at, the marriage is not good.

Portius institut;
Secinus cons:
et añ.

And S^r Ambrose in his comentary upon S^t Luke, And S^r | Augustine, fay That such a mariage without hope of Children, non matrimonium sed concubium dici debet, is not to bee called an holy wedlock, or mariage, but a copulation or coming together; But I write the words of others, my self being farre from censuring this honorable couple: Howbeit, neither of those two ends could bee in this marriage, nor the third, Of mutuall society help and comfort; ffor as they never bedded together that any of their attendants could observe, whereby they might have become one flesh; foe were themselves and their families for most part as farre afunder as Barbican in London, and Callowdon by Coventry: neither medled hee more with her lands or goods, or ought else that was hers, then with her.

863
Ambrose.
Augustine.
Burtons desc^r:
of Leic^rshire
fol: 217:

His Issue.

By the lady Katharine this lord Henry had issue, Thomas, Mary, and ffances, of whom it followeth; And also fferdinando, born at Yate in the second year of Queen Elizabeth and was buried in the Chancell of that church about two years after:

after : Katharine there also borne about two year after her brother, who also dyed young : And Jane born about the 8th of Elizabeth at Callowdon, and dyed in the 16th of Elizabeth and is buried at Sowe Church by Callowdon ; whose untimely death, (If I have been truly informed,) was occasioned by misfeating part of a roasted apple prepared with Arfnicke for the poysoning of rats ; An accident with great secrefey concealed from the parents.

Thomas. **Thomas** eldest fon of this lord Henry is of right to bee numbred in the honorable Catalogue of his forefathers, And juftly in thefe Collections to bee one
864 of the one and twenty in their | generations, hee being the maine bridge by which the Caftle, honor, and Barony of Berkeley, is conveyed to the lord George his fon and his fucceffion ; Neither doth his death in the life of his father, prejudice the number ; whom for diftinctions fake I will call, Thomas the fhort liver.

fol: 854. **Hee** was born at Callowdon the 11th of July in the 17th of Queen Elizabeth, 1575 . as formerly it hath been written ; at what time Queen Elizabeth was at Kenilworth Caftle the houfe of the oft named Robert Dudley then Earle of Leicefter, fix miles thence, whereby fhee by Anne Countes of Warrwick her deputy, became his godmother : The moft part of his education was at Callowdon under the indulgent inftruction of his mother and her waiting gentlewomen, whom in nine years they had only taught to fpell and meanly read a little Englifh : Then was hee provided of the faid Edward Cowper from Trinity Colledge in Oxford, to bee his Schoolmafter, who after made his mothers funerall fermon ; what time this lord being with his family newly returned from fojourning with old S^r John Savage his cozen germaine at Baraper in Hampfhire, continuing at the ffryars in Coventry, which for three years hee had taken by leafe of one John Hales Efq^r.

Anno : 26. Eliz :
1584. **To** this place the 10th of November, Anno, 1584, a fewe daies after M^r Cowper, my felf then feventeen years of age, happily came from the ffreeschoole of Derby to attend to Sir Thomas Berkeley in his chamber ; what time alfo came William Ligon (formerly mentioned amongft the iffues of the lord Maurice the fifth,) for the
fol. 629 fame intent, with hopes alfo that one of us might benefit the other at our books : Here wee all continued for two years more as fervants and fchollers with him ; At which place as hee (with fome others) played together in the paved cloifters, by a fmall flipp of his foot hee fell and brake his channell bone foe notwithstanding borne out by him, That the caufe of his ficknes was not perceived, till it fo drew his head and neck awry that it was difcernable all his life after.

ffrom

ffrom hence this lord his father removed with his family to his | own house at Callowdon; from thence hee with his tutor, Wittm Ligon, and my self went to Magdalen Colledge in Oxford in ffebruary, Anno 1589, in the 32th year of Elizabeth where after three years, leaving them, I removed to study the Comon laws in the Middle Temple in London; After my departure from Oxford, a dangerous sicknes befell him in the nature of a burning feaver, (as also did a quartan ague his Tutor,) from the dreggs whereof his future days were never cleared: Being from Oxford returned to Callowdon, and coming from thence to London with this lord his father in Michaelmas Terme, Anno, 1595. such affection (upon motion formerly made) grewe between him (then lodging with his father at Thomas Johnfons house in fleet street,) and Elizabeth Carey only child of S^t George Carey, then knight marshall and governour of the Isle of wight, then living at his house in the black ffryars, That on Thursday the 19th of ffebruary following, Anno 1595, in the said 38th of Elizabeth, they were maryed togeather: The articles of agreement concerning w^{ch} marriage were drawn and sealed the same morning, whereof I shall somewhat afterwards write; And on Thursday the 29th of July following dyed the lord Henry Hunfdon father of the said S^t George, whose authority and greatnes in the Comonwealth know by his stile, which in dedications was in these words; To the R^t Hon^{ble} Henry Carey, of the most honorable order of the Garter knight, Baron of Hunfdon, lord governour of her Ma^{ties} Town of Berwicke, lord Warden of the East and middle marches of England against Scotland, Captaine of Norham Castle, Captaine of her highnes gentlemen pentioners, Justice of Eyer of all her Ma^{ties} Forrests, Parkes and Chaces on this side Trent, Lord Chamberlaine of her Ma^{ties} household, and one of her highnes most honorable privy counsell: And for his approved fidelity, wisdom, valour, and circumspection, (the words of the patent under the proper hand of Queen Elizabeth,) was on the 29th of July in the 30th of her raigne, Anno, 1588. made Lievtenant, principall Captaine and governour of and over the Queens Army then asssembled for defence of her royall person, against that fearfull Invasion of the Spaniard, with as ample power as the State and necessity of that time required, | or could by termes of lawe bee given; And the 11th of May in the 36th of the said Queen was made Leivtenant of the Counties of Norfolk and Suffolke; Then whom a more loyall subject to his Prince lived not in his daies; To whom hee was cozen germaine, As being son of William Carey and of the lady Mary his wife, second sister and co-heire to Anne Bullen, second wife to king Henry the 8th mother of the said Queen Elizabeth: And they the said Mary and Anne were daughters and coheires of Thomas Bullen Earle of Ormond and of Wiltshire, and of the lady Mary his wife daughter of Thomas Howard Duke of Norfolke:

which

865

Anno : 37. et. 38.
Eliz :

Articl : dat. 10 :
ffeb : 38. Eliz :
Conveiance : dat.
6. Maij : 39. Eliz :

carta in castro
de Berkeley.

Carta in Cast :
p^rdic^t.

866

which Thomas Bullen was son and heire of Margaret one of the two daughters and coheirs of Thomas Butler Earle of Ormond,

This happy lord, still loyall to the Crown,
Hath left an heire, heire to his renown.

Anno : 39. Eliz : 1597. For the said S^t George Carey, now by the death of his father become Baron of Hunsdon, was the 17th of Aprill following fworn of the privy Counsell and made lord Chamberlaine of the Queens houshold, And on S^t Georges day after, knight of the most honorable order of the Garter, which (with other eminencies of honor and authority) hee enjoyed till the 8th of September in the first of king James, Anno, 1603, when hee left this life, And lyeth most honorably buried in the midst of S^t John Baptist Chapple in Westm^r, a place of buriall for the family of the Careys ; A lord of such perfection of person and inside, that I cannot parralell his character ; I would render him the right of honor hee deserved, but for robbing his daughter of that memoriall shee oweth to the life of soe learned and prudent a father.

His motto was
Comme ie trouve

The said Elizabeth was born the 24th of May in the 18th of Queen Elizabeth, Anno 1576, who was godmother to her, as before shee is said to bee to her husband.

867 The fruits of the marriage appeared by the birth of Theophila their daughter, born at the said black fryars house on saturday half an hour after six in the morning, the 11th of December, 42 | weeks and 2 daies next after their mariage, Anno 1596, And was christened the 30th of the same month ; To whom also the said Queen was godmother, And Robert Deveroux Earle of Effex was godfather ; from which Stock issued also George now lord Berkeley born the 7th of October, 1601 . in the 43th of Elizabeth, As after more fully followeth.

The portion which the said Elizabeth brought in money, was 1000^{li}, and of land near to the value of 1000^{li} p Anñ, in Tunbridge and Hadlow in Kent, which was estated upon her and her heirs after the death of her father and mother, besides what shee might further expect from either of them, as being their only child and heire ; In returne whereof, this lord Berkeley then covenanted to convey, (which in the next year he performed,) those manors and lands hereafter mentioned in the last title of his life, whereto the Termes, yeares, and number rolls following, will guide his posterity to such parts of those assurances as are inrolled, or of record ; viz^t, The licence to alien is dated the 2 Aprill . 39 . Eliz : enrolled in the Chancery that yeare ; And also inrolled in the Exchequer in Trinity . 16 . Jac : ex pte Remⁱ Thefaur :

Thefaur : And the bargaine & fale made to Sir John Spencer and Arthur Mills is dated 20 Aprill 30 . Eliz : inrolled in Chancery also.

The Recovery of Callowdon is ; Terme Pasche 39 . Elizabeth, Rot : 105.

The Recovery of the honor Castle and Barony of Berkeley and of all the Gloucestershire lands, is Terme Pasche 39 Eliz : also . Rot : 113.

The Recovery of Portbury and Porteshead is eod anno et Terme Rot. 105.

The Recovery of Leicestershire lands is eod anno et terme . rot. 104.

The Recovery of Suffex lands is eod anno et terme . rot. 104.

Upon the death of Queen Eliz : this Thomas went into Scotland to carry king James newes of being proclaimed king, whom his wife with other honorable ladies shortly after followed ; And at the Coronation of king James this Thomas was created knight | of the Bath : And for the Parliament begun the fame year 868 was chosen one of the knights for Gloucestershire, wherein hee served.

Truth of story tells this family, That this noble knight S^r Thomas was profuse in expence beyond his ordinary means : for support of which exceffe, hee sold (without consent of this lord his father) the remainders in the manor of Upton S^r Leonards by Glouc. to S^r Arthur Ligon for—1100^{li}. And in the three parks of Portbury manor with ffuellins farme adjoyning, to S^r Edward Gorges for—1400^{li}. And in Upton farme by Tetbury to M^r John Berkeley for—330^{li}. And had also—4320^{li}. raised upon the sales of Coldoverton and Daglingworth, wherein his father joyned in the Conveyances, as formerly is mentioned amongst his Sales ; And some other moneys were raised by him upon demises in Tetbury, Hame, Melton, Bitton, Binley, Sowe and Wiken : which when all those monies sufficed not, (that amounted to—7400^{li}.) his wife also in May in the fourth of king James gave free way to the sale of his reversion in Tundridge and Hadlowe, for which shee and her husband received of S^r John Kenedy—8450^{li}. The greatest part whereof sufficed not for clearing of debts : So that it is truly transmitted to their posterity, That in the first fourteen years after their marriage, (Accompting the composition monies received of the lord Rich and some others for Bullens title, which the said lady pretended as heire to Queen Elizabeth on the mothers side,) they spent each year more then—1500^{li}. above that Annuity of—600^{li}. proportioned unto them upon their mariage to have sufficed for their parents lives. **A**nd I well remember, that the said lady Elizabeth Berkeley having, in a private accompt of her own hand writing, set down how and to whom and for what causes—6955^{li} 7^s of the foresaid—8450^{li}. was paid away

fol : 822.

carta: dat. 26. Maij
Anno : 4 : Jac.

away and gone, Shee subscribed under that accompt privately to her self these very words ; Of which I hope in God the like will never bee again ; whereof I the rather took notice, To the end I might often there to the better say, Amen. Amen.¹

It

¹ It was probably these circumstances which led to the following agreement for the retrenchment of expenses, a copy of which we found at Condoover Hall :

Articles agreed upon between Sir Thomas Barkly knight, and the lady Elizabeth, his wife, and John Smyth gent. the 16th day of December 1609 Annoque Septimo Regis Jacobi, touching the expenses and government of his household at the lodge in Newparke in the county of Gloucester.

- 1.—Imprimis, it is agreed that the said family shall not exceed the number of 18 persons over and beside the said Sir Thomas Barkly and his lady and their children.
- 2.—Item, the said Sir Thomas Barkely promifeth hereby to deliver every year to the said John Smyth towards the charges of the said house the sum of cccc^{li}, by two equal payments to be made within one month after the severall feasts of the Anunciation of our lady and of St. Michael tharchangel, save that £65 of the first payment is now to be delivered to the said John Smith, which at this present remaineth in the hands of the Right honorable the lord Barkely, being the money of the said Sir Thomas.
- 3.—Item, the said lady Elizabeth and John Smyth hereby promise to maintain and keep the said family in that estate degree and calling, that standeth with the reputation of a knight and his lady, being both of them descended of honourable parents, with all manner of necessaries for houskeeping in bread, beer, wine, acates,* fire wood, hay, litter and oats.
- 4.—Item, the said Sir Thomas promifeth not to keep in his stable at one time together above the number of four horses, geldings and mares.
- 5.—Item, the said Sir Thomas promifeth on the word of a true gent., that after one or two admonitions and no amendment he will not keep in his said family any drunkard, swearer, incontinent or any other disorderly person, but will give credit to the information of the said John Smyth touching the same.
- 6.—Item, it is agreed that the said lady and John Smyth shall not be charged with reparations of the said house or stable, nor with finding any linens, brasse, pewter, implements or furniture of household, but that the same is to be at the charges of the said Sir Thomas or the said Lo : Barkely.
- 7.—Item, it is agreed that this agreement shall stand during the life of the said Lord Barkely unless the said Sir Thomas shall give three months warning for the dissolution of his family.
- 8.—Item, it is agreed that the said lady and John Smith shall keep all the year long six couple of hounds for the said Sir Thomas' delight and recreation with the huntsmen.

Signed by T. BARKLY, ELIZA BARKELY and JOHN SMYTHE.

* Provisions purchased.

I, and all choice that plenty can send in ;
Bread, wine, *acates*, fowl, feather, fish, or fin.—*Sad Shepherd*, I. 3.

[ED.]

It may not bee denied, That this noble knight was inconstant | and too 869
 fodaine in his determinations: **I**n the years, 1600, 1608 and, 1610, hee thrice
 posted into ffrance, to Paris, Roan, Orleance, and over the Alpes, vifiting Rome,
 Naples, Venice, and many other the cheifef Cities of thofe States and Kingdomes;
 And in their returnes, Bruffells and many principall Towns in the united provinces;
 from the laft of which voyages, (much fhortened by the tres of his wife fent after
 him by William Ligon before named, whom for that fervice fhee did reward with
 an Annuity of ten pound p Anñ,) hee returned not a year before his death; whom
 alfo hee himfelf had formerly rewarded with a leafe for one and twenty years of
 Appleridge grounds in Berkeley parifh, by fine in revercōn of the eftate for life held
 by his unckle Walter Denys; which fine foe levyed without Lycence, longe after
 brought trouble and expence in the Exchequer, the tenure thereof being by knights
 fervice in Capite.

Willm Ligon. pat.
 dat: 24. Apr: 1611.

fine: 43. Eliz: to
 Norwood.
 Licence 3. ps.
 origiñ 44. Eliz:
 rot. 155. c̃m reñ
 thefaur.

And having with much weaknes paffed over the later part of Summer after his
 faid returne, at Berkeley Caſtle with this lord his father, (from whence for change
 of air and hope of better health it vouchsafed him to remove to my houfe at Nibley,
 three miles of,) hee returned with his wife and father in the end of September to
 Callowdon; where hee yeilded to nature the 22th of November following, in the
 9th of king James Anno 1611, then of the age of thirty fix years fower monthes
 and eleaven daies; And was buried in the northeaſt corner of S^t Michaells Church
 in Coventry, within the ſame Iron grate wherein his mother lyeth: whoſe tombe
 (beautifully erected by his ſorrowfull widow) hath this inſcription: Here lyeth
 expecting a Joyfull reſurrection the body of S^t Thomas Berkeley, kn^t, only ſon
 of the R^t Hon^{ble} Henry lord Berkeley and of the lady Katharine his wife ſiſter of
 Thomas Howard Duke of Norfolke; who by Elizabeth his wife ſole daughter and
 heir of the right honorable George lord Hunſdon, lord Chamberlaine to our late
 Sovereigne lady Queen Elizabeth, left iſſue George and Theophila the only chil-
 dren of ſix whom death had ſpared to attend their fathers funeralls and to bee the
 comfort of their mother; | to whoſe perpetuall memory ſhee hath erected this her
 huſbands monument: In which alſo lyeth the body of Henry the youngeſt of their
 children; The ſaid S^t Thomas Berkeley deceaſed the 22th of November, Anno,
 1611, ætatis ſuæ, 37°. And the ſaid Henry his ſon deceaſed the 4th of March
 following. See the Tombe.

Epitaph

870

born after his
 fathers death.

Anno. 9. Jac:

The manner of whoſe death read out of an Almanack of that year, written
 with the proper hand of the ſaid lady his wife, in theſe words; **T**his 22th day of
 November

November between one and two in the afternoon, it pleased God to take my deare husband from mee, by a most gentle and milde death without groane or struglinge, to encourage all the lookers on of Gods great mercy towards him, who like a lambe left this troublefome world to enjoy perfect rest in God, I trust. Jesu rest his soule. Thus the Lady.

Somewhat more remaineth of the life of the noble knight, which I leave to the relation of his lady (still his widow) whereof to informe her son, if shee see please : The way hee walked in to mee seems somewhat foule, which because I will not wade through I will leap over and see avoid : Only adding, That after his death a secret paper of his own hand writing was found in his Cabinet, amongst other private remembrances, wherein his nativity by a grand Impostor beyond seas seemed curiously and exactly calculated, in quality of a journall of each years accidents and successes which should befall him, with an assured promise of a longe life and an happy old age ; whereon though hee too much relyed, yet underneath the same paper himself had written these very words ; **But** although these planets doe promise good fortune, as ministers that doe demonstrate the glory of God, and are altogether over ruled by him, and have noe influence or vertue without him ; To his power and mercy I only comit my self, assuring that hee never faileth those that put their trust in him ; To whom bee given all honor glory and praise for ever, Amen. Thus the writing, which I copyed out verbatim. |

871

His foule aspiring to an higher sphere,
Is glad that it did reape noe comfort here.
Conditione pares, mortales nascimur omnes,
Nos rapit et fatum, conditione pares ;
Conditione pares, quamvis non vivimus omnes,
Nascimur et morimur, conditione pares.

Theophila.

The education of the said Theophila was both in Court and Country under the sole direction of her mother : Towards whom (with those that have the means truly to observe) is drawn an admiration of her vertues and perfections. A lady whose hourly life adds a dayly lustre to the noble families from whence shee is extracted : **At** the maryage of the lady Elizabeth to the Prince Palsgrave shee had the honor to bee one of her Bridemaids.

Anno. 1613.

On Thursday the 12th of August in the 11th of king James in the forenoone, shee was at Berkeley Church marryed to S^r Robert Coke knight son and heire of S^r Edward

S^r Edward Coke then cheife Justice of the comon pleas, and of Bridget his wife daughter and coheire of John Paston Esq^r, son of Robert Coke and Winifred his wife, daughter and Coheir of William Knightley, son of Robert Coke and of Anne his wife, daughter of Thomas Woodhouse, son of Thomas Coke and of Alice his wife, sister and Coheire of Thomas folchard, son of John Coke son of Robert, son of John Coke who lived in the time of king Henry the fifth. **I**n the treaty of which marriage I had the honor of imployment between Callowdon and London, (where the parents and freinds of both parties interressed then remained,) in divers Journeys for sower months before, (especially under her mothers directions,) with equall trust of all parties : some passages wherein might not unprofitably bee derived to posterity, save that all the personages themselves, (this lord excepted,) with the matter negotiated, yet live the most assured memorialls to themselves. But how contenting on this lord Berkeleys part this mariage of his grandchild was, by this may bee collected, | That when Henry Briggs his chaplin demaunded in the time of mariage, who giveth this woman to bee maryed to this man, Hee coming out of his seat in the Church, (where hee fate with S^r Edward Coke,) taking her by the hand, That doe I, quoth hee, with all my heart : By which sweet addition of the words (with all my heart) hee not only declared the contentment of his own, but drew tears of joy from the eies of the Bridegroomes father, to both which mine eares and eyes were witneses. 872

And the lord Coke the same day after dinner retiring into his chamber, forthwith brought forth these latin verses by him then made, alludeing to the maryage and the day, being S^r Clares day,

Clara dies Claræ, virgo quâ clara marita est

Clara priùs virgo, clarior vxor erit.

And alluding to the planets of that day,

Ecce hodie coeunt cælestia fidera, phæbi

Pulchri cum pulchra virgine ludit amor.

And againe alluding to their names,

Clara dies Claræ, conjunxit pignora chara.

Clarum Theophila et nomen et omen habet,

Et prolem numerosam (clare Roberte) precatur,

Sanguis uturque tibi, et magna caterva virum.

A day still honored with a festivall memoriall wherever the Bride and Bridegroome hap to bee : A wedlock blessed with such a mutuall Sympathy and sweetnes, that they seem to live one in the other. **O**ther the like songs of joy and contentment

proceeded

proceeded from that learned phyfition Doctor Edward Lapworth, and other fchollers then prefent ; which if I had preferved, afwell as the catalogue of the 24 names of gentlemen of honor and Armes then prefent, and delivered by mee upon the request of the faid cheife Juftice, they had herein alfo appeared.

Neither feemeth it a digreffion to remember, That as this lord brought his noble guefts on their way towards Cirencefter about a week after the mariage, hee
 fol : 848. and the lord Coke riding in one Coach together, the fame was by the violent
 873 courfe and fury of the fower | Coach horfes overthrown and dragged by their force a good diftance on the ground : Out of which when they were taken, And confideration had of the great danger their lives had efaped without hurt, It moved one of them prefently to fay, and the 24th of the fame month to write from ftroke in Buckinghamfhire with comfort, That hee never heard That out of foe great danger there iffued foe little harme, efpecially to perfons fo farre ftepped in yeares.

Lře in caſtro de
Berkeley.

Mary.
Comp : hofpicij in
caſtro de Berkeley.

Mary, eldeſt daughter of this lord was born at London, whither her mother was brought in a litter from Yate the ſecond of October in the 5th of Queen Mary, with her midwife fetched from Chedder in Somſet ſhire, whoſe reward, for her ſervice in that perill of childbirth was—6^s 8^d at her departure ; And chriſtened the 19th of November following in the ſaid 5th of Queen Mary, to whom Queen Mary was godmother : And this Mary was after maryed at the white ffryars in Coventry the 14th of ffbruary (being S^t Valentines day) in the 27th of Queen Elizabeth, Anno 1584, to John Zouch Eſquire, (after knight,) then ſon and heire apparant of S^t John Zouch of Codnor caſtle in Derby ſhire, who dyed ſhortly after ; hee then of the age of twenty and ſhee almoſt thirty : whereby out of an youthfull appetite hee afterwards diſcontentedly objected that hee was ignorantly married to his mother.

Her portion was—2500^{li} in money, beſides—500^{li} for her apparrell, and jewells for the ornament of her perſon.

Her joynture after his death was at her marriage agreed to have been 500^{li} p Anñ, but the error of thoſe of Counfell therein, much leſſened the fame. A marriage whereat no finging was of I-ocean, nor epithalamians to Juno the goddeſſe of marriage, for it was only bleſſed in the birth of their two children John and Anne, which were in fewe years born unto them.

It was not fower years after marriage before unkindnes aroſe between them ; And when (moſt cauſleſſly) ſhee had been repudiated by him, hee in the 33th of Elizabeth

Elizabeth granted her an Anuity of 200^{li} p annum for her present maintenance, which being not more malevolently yeilded | unto then worfe paid, many fuits arose 874 against him by this lord Henry and her freinds put in trust therein ; who also extended his lands upon a Statute given and forfeited by him, And after obtained a Decree in Chancery for better payment of the 200^{li} Anuity.

Hill : 33. Eliz :

Neither found the lady Elleanor Zouch his mother much better favor from this her son, as the fuits between them in Chancery and other Courts, whereto shee was enforced for her Joynture, doe declare ; And in the end having prodigally consumed his patrimony, felt the heavy waight of want, and dyed in the 8th year of king James, leaving issue the said John and Anne ; which Anne after dyed without issue : And the said John (now knight) of Codnor Castle aforesaid, which hee by suite recovered after his fathers death, married Isable daughter of Patrick Lowe of Denby in the said County Esq^r by whom hee hath issue, John, Katharine, Isable, and Elizabeth, Anno, 1624.

Frances, youngest daughter of this lord Henry was borne at Yate in the third year of Queen Elizabeth, And from thence brought in a litter to Callowdon in June in the 7th yeare of the said Queen, And there married to George Shirley of Aftwell in the County of Northton Esq^r, (after Baronet) the 22th day of february in the 29th of Eliz : 1586.

Frances.
Comp : With
Lawrence 7. Eliz :
in castro de Berkeley.
The licence dated
12. febr : 1586.
for their marriage.

Her portion was—2500^{li} And in apparrell and Jewells as her elder sisters : of the provisions made for Joynture of the wife, and for children, I need not write, save that each of their daughters was by the bond of M^r Shirley to have—1500^{li} a peece.

I have seldom known a more true wedlocke nor more tender love in marriage then was between them, nor an husband more truly sorrowfull for his wifes losse then hee for hers : whose eies I have seen in his elder years (many times after her death) to stand with tears as hee hath talked of her with my self ; Shee was a gentlewoman as really allied to vertue and devotion as lived in her time : Hee after married Dorothy daughter of S^r Thomas Wroughton knight and widdow of S^r Henry Vinton of ffarington in Berkshire, between whom was not always foe sweet an agreement.

By the said ffancis hee had issue Henry Shirley now Baronet, Sir Thomas, and Mary. |

1. Sir

875 1. Sir Henry hath married Dorothy second daughter of Robert late Earle of Essex, by whom hee hath issue Charles and Leta.

2. Sir Thomas Shirley knight of Botolph bridge in the County of Huntington hath married Mary second daughter of Thomas Harper Esq^r, by whom hee hath issue, Henry, George, John, and Mary ; The incouragement of which Sir Thomas to these relations, I thankfully acknowledge.

3. Mary sifter of the said S^r Henry and S^r Thomas, is lately dead without issue.

His Seales.

In the time of Queen Mary and for twelve years after, this lord sealed with Mowbrayes lion rampant without crest or supporters, circumscribed, Sir Henrie lord of Berkeley, fomwhat more then an inch diameter.

And in the ninth of Queen Elizabeth and for six years after, with the said lion circumscribed with this motto, deus me respicit, of like diameter.

And in the 15th of Elizabeth and after, with the like lion of the same diameter, but circumscribed virtute non vi. Howbeit his more ancient word is, dieu foit avec nous. And that of Mowbray, Sola virtus invicta.

And also in the 40th of Elizabeth used another like seale of the lion without any motto at all, of like bignes : Soe that in his seales of Armes hee seemed wholly to relish of the wife and her family.

vetus manuscript.

And whereas in old verses of the bearings of divers noble families; there is given to this, (Berkeleij vigor,) from thence it may seeme came the words, (virtute non vi.) Behold the figures of the former Seales ; |



876

His death and place of buriall.

After the death of Sir Thomas this lords only son, in those two years hee survived him, his care most seemed to bee for his two grandchildren, George and Theophila ;

Theophila ; whom their father dying intestate and in debt had left soe much neglected, That his wife as Administratrix, paid for the acquitall of his memory divers great sums more then his personall estate amounted unto.

For the obtaining of the wardship of George, (the prime arch and hope of his house,) this lord presently upon his sons death, by speedy tres, put the Earle of Northton his brother in law, lord privy seale ; suggesting as truth by straining proved, That for his body his said grandchild would forthwith bee in ward to the king, And for his lands after his own death : Upon consultacon hereof with his daughter in lawe the lady Elizabeth, (when these tres were to bee dispatched,) two things were with them in Ayme and hope ; the one, that soe powerfull a privy Counsellor would without competition of any other Courtier, (esppecially having the first notice,) obtaine the wardship from all others, And would afterwards cast the wards education upon the tender care of her the mother ; which, to the comfort of this lord Henry, proved true. The other, That the said Earle having neither wife nor child, And this infant the grandchild and heire of his dearest sister, hee would in likelihood not only bestow his wardship and mariage portion freely upon him, (whether hee lived or not lived till his full age or mariage,) but also a greater bounty : Neither was it in this conference (whereat my self was present) unremembred, That the lady Katharine the infants grandmother had for twenty six years and more before her death given to him an annuall exhibition of 50^{li} p anñ, when left, slipped from the allowance shee received of her husband ; And therefore might probably expect the Inning of their hopes, if not by way of repayment, yet of a conscous retribution ; which also the Earles tres from his house at charing Crosse (then in building) sodainly and | frankly seemed to assure ; But how performed, it after appeareth, soe that that first care was taken off and turned into comfort. 877

As touching Mistris Theophila, the other Arch of this lords house, this lord in December after that wardship of M^r George obtained, (and almost a year before his own death,) having in July before taken back into his own name his fee simple lands, and increased his said daughter in laws joynture, made his Will ; And thereby bequathed towards her mariage portion . 3000^{li} to bee levied out of his fee simple lands : But her mariage with Sir Robert Coke following in Aug^t after, as hath been declared, his further care for her was likewise comfortably taken off, And a greater portion by Articles enterchangeably sealed agreed upon to bee paid in land, with the great liking of her mother ; which after cost the manor of Portbury in the County of Somersfet, worth—8000^{li}. And thereupon a few daies after that mariage

at

Carta : 20 Julij
11 : Jac :

at Berkeley Castle, he took his former will (as it was in parchment under his hand and seale) in my prefence to one Ambrose Cowper, directing wherein to have it altered at his coming to Callowdon, with whom by that means it remained at the time of his own death in November following : To which effect also, my self was not only moved by him, but desired afterwards by tre in Michaelmas Terme following to return that way from London, where I then was, about the perfecting the assurances on all parts according to the said Articles, which were agreed upon and ingrossed : And the writ of dedimus potestatem sued out, whereby this lord was to have acknowledged a fine before Judge Warberton in his way homewards through Coventry, in the end of that Terme ; And the two thousand pounds which the lord Coke was also to have paid to this lord for Portbury, told out, all or the most part which by George Lord Berkeley was after remitted.

878 **H**owbeit death prevented whatsoever was intended, for this lord having at dinner on fryday the 12th of November, taken liking to the tast of small custards then served to his table, hee willed that some of them should bee reserved for his supper : whereupon feeding, surfeited, so that the same not well digesting, hee grew distempered in the night following, sicknes by degrees increasing upon him till that day fortnight after the 26th of that month : In the evening | before in his private prayers hee cried, come, come, lord Jhesus, which hee often doubled till the morning ; And when his weak breath caused the words (lord Jhesus) to bee unfounded, Then only was heard, come, come, And after when the letter (C) became somewhat too harsh, hee was heard to say, Tome, tome, the letter (T) being more soft and easy of sound ; And soe without any plunge motion or stirre of body, at five of the clock in the morning the said 26th of November 1613, in the 11th year of king James, rendred back his spirit to him that gave it, his chaplin Henry Briggs (a learned divine) then on his knees in prayer by him : And thus having the comfortable memory of a well led life, hee beheld death without dread, and the grave without fear, And imbraced both as necessary guides to endles glory : And in this fort did this pious peere, in this navigation of his life, lett fall his fatall anchor that never can bee wayed up againe.

It pleased the lady Elizabeth Berkeley by her tres to presse my coming to Callowdon, where I attended her the third day after this lords death ; whereupon tres were forthwith directed to S^r George Shirley, S^r William Coke, and S^r Thomas Estcourt, named for his executors, of whom S^r George refused to intermeddle : The others promised their repaire thither, but before their arrivall (in regard of their protraction)

protraction) the said lady Berkeley with the lord George her son, were with their family departed for London, And S^r Robert Coke with his lady for Coventry, where some years after they remained, as is before touched. **The** Executors S^r William Coke and S^r Thomas Estcourt having after their coming informed themselves of the personall estate of this lord, entred into the execution of the will, and satisfiied all debts and demands in those parts ere they departed thence : And having in fitting manner provided a Coach and all things necessary for conduction of the Corps to Berkeley Castle according to his will, the 21th of December set forward with it, attended with a fair troope of his and their own servants, to Warwick; thence the next day to Campden, thence the next day to Tetbury, thence on Christmas even to Berkeley Castle ; | in the Chappell whereof it remained till a air Tombe (after some months) was set up in his own Chapple and place of buriall, adjoyning to the Chancell of the said Church, (his wholl body and bowells laid thereunder,) with this inscription.

879

Here lieth the body of Sir Henry Berkeley knight lord Berkeley, Mowbray, Segrave, and Breoufe, lord Leivtenant of the County of Glouc., who departed this life the 26th day of November in the year of our lord God, 1613. being the day that hee accomplished the age of fflowerescore years : Hee first maryed Katharine, sister to Thomas Howard, Duke of Norfolke, by whom hee had issue, Thomas, Mary, and ffrances ; Thomas being a knight of the Bath maryed Elizabeth only daughter and heir of Sir George Carey knight lord Hunfdon, Mary the eldest daughter was maryed to S^r John Zouch knight, And ffrances the second daughter was maryed to Sir George Shirley Baronet : Hee feconly maryed Jane the widowe of Sir Roger Townsend knight, yet living, by whom hee had noe issue.—Thus the Tombe.

Anno : 11 : Jac :

Of which monument it may rightly bee said—Sic oculos, sic ille manus, sic ora ferebat : The refemblances of both Henry and Katharine are to life : **A**nd hee whose coming was to find the lost sheep, to bind up the broken hearted, to call sinners to repentance and by it unto salvation, save and have mercy upon them, mercifull in their lives to many.

Hee fate lord from the first to the last of his life just 79 years, not 80 as his Epitaph hath. A misinformation of those that waited in his sicknes, Telling his Executors how hee oft told them, That if hee lived till fryday the 26th of that November hee should bee just 80 years old.

Hee

Hee had a longe life with an happy death, the most pretious guift of Heaven, which all the gold the fun hath made and fhall make, will never bee able to buy.

880 A mile before the body of this lord came to Tetbury, it was met by 150, at the leaft of the better fort of his old Tenants, out of Berkeley hundred (without any notice given) out of the defire they had to | condole over the Coffin, the loffe of foe noble a lord ; And furely I never faw the eyes of Tenants (ufually otherwife affected) more really mourning : Which number in the next daies journey to Berkeley, much increafed : who, being by my felf, in the name of his executors, called up into the great chamber in the Caftle of Berkeley (which his Coffin out of the Coach was firft brought) to refresh themfelves with wine and the like, I faw . 100 . pair of Eyes at leaft pouring out (before that Coffin) fuch paffionate and forrowfull tears, as if their fpirits fhould have followed thofe teares : which to behold (with the remembrance of my youths education, and the daily favours I had from him, testified alfo by his legacy of his filver watch as a testimony of the good and faithfull fervice I had done unto him, they are his own words in his will) drew a flood from my felf: This being their generall testimony, That they had loft the beft landlord that England had, whose like might not after bee by them expected.

It is bafenes to flatter his memory, but I truly tell his grandchild and pofterity, honeftè vixit, neminem læsit, fuum cuique tribuit ; Hee lived an honeft man, without hurt to any, rendring to each man what was their right : none in his time was found more ready to render juftice to all alike.

Of body, hee was tall and flender, as were his father and grandfather, as both from himfelf and more efpecially from divers of their attendants I have been informed ; faid alfo to bee the naturall pofture and compofure of the name and family;¹ Of a found constitution, his hearing good, his eyes not more dimme then in his youth : Reading much, yet never ufed fpectacle or other help : hee knew not what the gout, ftone, Ache, or other greifs incident to age did meane : In the courfe of his wholl life none could bee more temperate, fpare of fpeech, better conceiving then expreffing ; Nothing beholding to his youths education, as himfelf would complaine : enclining to pittie : ready to releive : exceeding apt to forgive, and to bee reconciled : And being reconciled, would imbrace them without fcruple or remnant of

¹ In the margin of the manufcript is the following note in the handwriting of Lady Elizabeth Germain, dau. of Charles Earl of Berkeley, and wife of Sir John Germain, of Drayton Co. Northampton, Bart. :—
“ Exceedingly degenerated for we are all but a low Race now.” [ED.]

of gall ; his face was the frontispice of his mind, hee knew not how to dissemble a thought : ffor frank well ordered | and continuall hospitallity, hee equalled, if not 881
outwent, all others in the parts where hee lived : In a word, Noe man (that ever I
could hear, hee, living or dead,) could say That hee ever descryed in him any
notorious vice : Only, it may truly bee said, that hee was too great a lover of
law, knowing it noe better : And that hee did not alwaies foe lend one eare to
the accuser, as that hee kept the other for the accused.

Gratior est virtus veniens a corpore pulchro.
Vertue is more lovely much more acceptable,
Proceeding from a personage amiable.

God grant thy grandchild such a race may run,
As thou throughout thy life hast nobly done. |

His lands whereof hee dyed seized.

882

The lands hee left unto his heire, (whereof only little Canonbury scarce worth
y^e naming was purchafed by him) were these,

The Castle burrow hundred and manor
of Berkeley.

The manor of Hame,

The manor of Appleridge,

The manor of Alkington,

The manor of Hinton,

The manor of Hurst,

The manor of Slimbridge,

The manor of Sages,

The manor of Came,

The manor of Cowley,

The manor of Wotton,

The manor of Wotton fforren,

The manor of Symondfall,

The manor of Canonbury,

The burrow and manor of Tetbury,

The manor of Bitton & Hannam

In the County of Glouc.

The manor and Hundred of Portbury }

The manor of Porteshead,

In the County of Som^{set}.

The

The manor of Callowdon,	{	In y ^e county of the Citie of Coventry and of Warwicke
The man ^r of Me[l]ton Mowbray	{	In the County of Leiceſter
The manor of Segrave,		
The manor of Mountſorrell,		
The manor of Goſcote		
The manor of Boſham,	{	In the County of Suffex.
The manor of Thorney,		
The manor of ffuntington,		
The manor of Buckfold,		

883 The Advowſons of the Churches of Segrave, Howby, Sutton Bonington, with St Anns, Kegworth, and Tetbury Vicaridge, as in his life are mentioned.

Inquiſitio poſt
mortem Thome
Berkeley. 10. Jac.
Inqu: poſt mortem
Henrici dñi Berke-
ley 11^o Jacobi.

Of all which a dying ſeized by Inquiſition was found in the County of Glouc., in January following his death : As alſo one other Inquiſition had been in the ſaid County almoſt two years before, after the death of St Thomas his ſon and heire, wherein the forementioned conveyances and annuities are ſpecified : And for the foreſaid manors of Tetbury, Bitton, and Hannam, in the county of Glouc., And the manors lands and Advowſons in the Counties of the Citie of Coventry and Warrwick, Leiceſter, and Suffex, I have at large written of each of them, And how, and when they firſt came into this family, with each antiquity to them belonging, in a book by it ſelf finiſhed with this hiſtory, which may bee of uſe to this family.

The Application and uſe of his life.

The uſe.

1. **This** lord Henry in the laſt and immediate Anceſtor preceding the lord George, clothed (by this lords death) with honor of twenty former generations : Hee had much, ſpent much, yet left enough to continue the like honorable port, if regulated after that method which hee obſerved in the later half of his life ; whereby hee knew to a peny what quarterly hee was to receive, And for what the ſame came in, And how it was againe iſſued out ; And was able at the end of each year in the cloſing of his Audit to ſay, That ſuch and ſuch ſums and expences might have been avoyded by providence, but being paſt hee would amend it in the year following : If like providence bee not hereafter found in his heire, that portion which now diſcendeth will bee found ſhortened in the next generation : which, my wiſh is, may in time bee ſeriously thought upon. |

2. **Againc,**

2. *Againe*, this family from the example of this lords first wife, may learne 884
That nothing is more necessary in the person of a master of a family, according as
his estate and greatnes shall bee, then Majesty : which, (having moderation and
judgment how to order it,) is then of excellent beauty and use. And herein let
every master remember Esops fable of the frogs, how contemptibly they esteemed
their heavy and blockish king. And that, *nimia familiaritas parit contemptum* ;
The masters awe is often the levell of his servants life and manners.

3. *Againe*, this lord having in the length of his longe life often outspent his
purse, betooke himself to sojournings with his kinsmen and freinds, (as before is fol: 842
mentioned,) the better thereby to bring the unruly tide of his former overflowings
into a more orderly channell, and to shake of at once togeather such needles and
diforderly attendants, old Captaines, old Courtiers, unusefull Schollers and com-
panions, as could not otherwise foe fairly bee put aside : whereby (as himself hath
said) hee saved a good portion of his land, and ridd his house of some persons
dangerous to have been kept, and different from him in religion, drawn thither by
such as had over great a power in his family ; A phisicke by which his father and
grandfather had cured their estates, And may againe bee of use to his grandchild
in his riper years, for whose sake this his Ancestors modle is here shaped unto him.

4. *Againe*, from the sojournings of this lord his posterity may take example
how to preserve peace within doores, espetially if they bee matched to wives of
high flying spirits, or difficult to please ; And how to put off such servants as they
find apt to foster that humor, And how to shake from their tables and stables such
as make themselves menyall servants without invitements, and have noe modesty in
their abodes ; Of which kind I have known the number numerous in this family ;
Also how to ease expences and save the sale of a manor, when such drones and
other excesse had drawn | on a debt that grew clamorous ; Also how to spare to- 885
wards the mariage portion of a daughter or a younger son and the like : And
sometime under the colour of pleasure or ease, to retire to an house of less capacity
and expence : But ever with this resolution, to hold constantly the first intentions ;
And not to exceed the determined proportion of yearly spendings : wherein this
noble lord would acknowledge, That in some of his Sojournings hee had departed
from his first projects, and strayed from those pathes which himself had chalked out
to have walked in.

5. *Againe*, from the comon recoveries, fynes, and feoffments of this lord, fol: 840. 841.
formerly mentioned, his posterity may understand of what estate they stand seized
in

in all their lands and Baronies : and how by operation of law, by reason of those fynes and conveyances, they may bring titles or questions pretended against any part of their possessions to a speedy ending and repose ; which may bee of profitable use in their generations to come.

6. *Againe*, from the observation of the story of Queen Elizabeths coming to
 fol : 845. Berkeley Castle and the destruction of this lords red deere, before mentioned, his posterity may the better avoid those Court-traps and toiles wherein this lord Henry by an over hasty expression of his discontent for a few deer, had almost been intrapped, as his deere were in the Toyle, pitched more truly for him then for them ;
 fol : 285. And often to remember the depth of that danger whereinto their valiant Ancestor the lord Maurice the third did by discontent plunge himself and his posterity, had not the favourable hand of heaven miraculously redeemed them, As in the lives of himself and his heir hath been declared, And to beware thereafter.

[7.] *Againe*, (as my further testimony of the regularity of the later part of this lords life,) I tell his posterity, That for the last thirty years or more of his life, foe
 fol : 838. 839. exactly were kept the books of his receipts and payments, aswell forraigne as domesticall, of what kind foever, made either by himself, Steward of houshold, Sollicitor, Receivor, or others, And foe orderly cast up and methodiz'd at his Audit
 886 in the end of each year ; That before those books were, | after his death, taken away by his Executors, or otherwise cast aside, It was easy for any man but a little acquainted therewith to have taken upon him the accompt of his wholl revenues, certaine or casuall, raised in that time ; And foe my selfe, (though I had nothing to doe therewth) offered to his Executors to have done when they took these books into their consideration, about twenty daies after his death ; which they foe much approved, that they held them fit presidents for themselves and posterity : But on the other side, the first part of this lords life hath declared how irregular his first houskeeping and the management of his revenues were ; Too many servants commanders in his family, few under obedience : his monies passing yearly into the hands of many, and issued out by more : few were called to accompt, and more unable to have accompted : Of this Aguish sicknes that soon shaked his estate, my self have heard his elder years complaine : I wish his grandchild and posterity may not relapse, least they bee constrained to redeem the like error, with the sale of much land as this lord was. *Fælix quem faciunt aliena pericula cautum* ; Happy is that son that, observing his fathers ill footing, fasteneth his stepps on a furer ground.

8. *Againe*,

8. *Againe*, from the dangerous passage of this lords wife and John Bott, fol: 846. 847. formerly mentioned, let all the discendants of this noble family bee admonished, not to commit secrets of such consequence to unfaithfull servants, nor to bee beholding to any living man, (if possible they may chuse,) for their reputation, state, or life ; ffor the waies of mans heart are unfordable and past finding out.

9. *Againe*, ffrom the daily practice of this lord Henry, his posterity hath a vertuous president not to let their Anger remaine when the cause is removed ; And to distinguish betwixt him that offendeth of infirmity or against his will, And him who offendeth malitiously or of set purpose.

10. *Againe*, Let mee note to this lords posterity that the life of this their Ancestor was a meere medley, and like a picture wth fundry faces ; from his birth (born a peere) to one and twenty, | none found more happy or hopefull, courted for marriage by many of the greatest ; ffrom 21 . to 38 . in the 13th of Queen Elizabeths raigne, (what time his brother in law and fast freind Thomas duke of Norfolk lost his head,) his alliance and freinds in Court and Country foe flowred that adversity could not bee feared : from thence for 39 . years together with him, finis unius mali gradus erat futuri, foe tossed in perpetuall stormes and law suits, That with difficulty in Court and Country hee bore up faile ; after which time, in the 7th of king James, 4 years before his death, hee entred a quiet harbour ; and after those 4 . years, peace in the 79th of his age, anchored in those joyes that never shall have ending ; To which, oh blessed God, bring all his discendants. 887

11. *Againe*, in reading over the life of this lord, his posterity cannot but observe his sufferings and losses by two indulgently following the wills and Counsells of his mother and first wife ; Against whom I will not (as to him) further say then of old hath been said, Non est bis in bello peccare, hee that in warre errs twice is without excuse or pardon ; As hee did more then twice ; Nor as to them in the application further sharpen my pen then to tell his posterity, That when Eve went about to expound the text shee mistooke the text and hurt her husband : And that English wives challenge more liberty and encline to more soveraignty then those of other nations : That female counsells are to bee suspected, as proceeding from an improper sphear : Vnicuiq. in sua arte credentum est, nemini extra ; what advice can an huntsman give in matters of musick ? And that prodegy of witt whose excellencies have conquered both example and imitation, hath told his son That wives were ordained to continue the generation of men ; To obey, not to rule their affaires : That they are like marchants in a common wealth, the greatest good or the

Sir Walt : Raleigh

the worst of evils that can happen to a man ; And to ballence them and their Counfells thereafter.

12. *Againe*, this family may observe how fully the covetous desire of the lady
 888 Anne, mother of this lord Henry, labouring to have avoided | the leases of poore
 mentioned. 730. tenants for the enriching of her son and enlarging her own livelihood, hath verified
 731. the comon proverbe, That covetousnes never brought home clear gaines : ffor, such
 her covetous intent opened the gap which otherwise had been closed, whereat
 Queen Elizabeth by the prosecution of Leicesters Earle entred, and laid waft half
 the ancient vineyard of this lord, the dolefull relation whereof hath taken up a
 great part of his life ; And that of all infelicities ordained to hurt the estates of
 great men, none is greater then to bee foe encountred in marriage, as the wife to
 conceive her self wiser in her husbands affaires then himself or his Counsell.

13. *Againe*, by the passages of Goodman and Nuthall, tending to the ex-
 tinguishment of this lords memoriall ; A glasse is set before the eyes of this family,
 to see how man may plot and purpose, but God alone disposeth as himself pleaseth :
 And how the Authors of that expurgatory counsell have thereby made that name
 which they would have rooted out more durable and conspicuous, when their own
 is forgotten in the place. Of all mens purposes God is the disposer, In whose high
 Counsell wee see it was ordained that his then dejected family, should againe by
 weak means stand and rise, notwithstanding the powerfull plots to ruin it ; And
 those to fall whose stepps seemed to bee rooted in adamant ; And accordingly, let
 this family acknowledge That foundations of Eternity laid by mortall men in this
 transitory world, are but like the towers of Babell, either shaken from heaven or
 made vaine ere the frame is raised to the height, And to turne their waies thereafter.

14. *Againe*, from the two recoveries of Wotton and other manors, un-
 conscionably by packing and practice wrested from this lord, this family may now
 experimentally see that to bee true which the courses of all times past (duely
 observed) have verified ; That those who have left but little with honest dealing,
 God hath blessed the same exceedingly ; whereas those that have left great matters
 ill gotten instead of a blessing have left a curse and a snare behind them, punctually
 889 found true between the parties to those recoveries | in the persons that pursued them.

15. *Againe*, from the ill requitall of Gerard Try after hee had served the turn
 of this lord and of the lady Anne his mother and guardian, to their great advantage
 fol : 724 To have his own land at Binley wrested from him by that greatnes, may warn
 servants

servants not to transgresse the bounds of truth in hope of favour or reward, as hee did : And masters not to gaine by wronge, least it fly away before the third generation as that land hath done : And it verifies also what wee read of old, That many love the Treason but hate the Traytor.

16. **Againe**, This noble family may observe, That noe one vertue hath more gloriously comended the life of the lord Thomas the fifth to posterity, then the deafe eare and slow beleife, hee accustomably lent to such persons as presented him with secret accusations against his more eminent servants ; Hee wisely considering, that factions were in all families ; That malice and envy are oftneft darted against best deservers ; And that each accuser hath his private ends covered under his accusations ; and therefore that ever memorable lord would never receive complaint till hee had both parties face to face, whereby as hee avoided his own trouble and disquiet, foe hee kept the hearts of his more eminent servants, (whereof greater use was to bee made,) faster tyed to his services ; Which wise and just course if this lord Henry had observed from that his grandfathers example, hee had not caused two of his ablest servants to have left him, when hee could not well have spared them ; Nor have caused a Steward of household who succeeded one of those to have articulated with him not to take to beleife any accusation against him till hee were confronted by his accuser ; Nor had hee turned off in times of need a most able lawyer and Solicitor upon a secret informacion whispered against them, to have delivered two deeds to his adversaries, when their severall oaths in chancery not only denied the fact, but the freedom of their hearts from such thoughts : Deeds only mislaid for the time and after found amongst this lords evidences. The speech of the Earle of Dorset, lord Treasurer, in the Starre chamber, about the 4th of King James, was by all present generally applauded, That if accusation became condemnacon | without examination, the king would soone have a thin court, and I my self (quoth hee) not left mee one able servant ; Adding withall, That hee that judgeth between two before hee hath heard both parties is an unjust judge though hee judge justly. **And** by making a wise use to themselves, to choose with Mary in the Gosple that better part which will sticke by them, and have an honorable memoriall with their posterity.

Cheyney.
Bucknam.
Crefw :

Ch : Yelv :
Als :

890

Luke : 10. 42.

17. **Againe** (that I may not omit any observation tending to the behoofe of this noble family ; The life of the lord Thomas the third hath shewed what an excellent servant that lord had all the daies of his life of Thomas Bradston, who a longe while to the losse of his own fortunes supported his masters ; And when the errors of his masters youth, (which Bradston could not prevent,) had overthrown them both, Bradston in the time of his masters imprisonment made first his own peace

Tho : Bradston,
fo :

peace with his masters enemies, And after by his prudence and valour so inwardly twisted himself into their good opinions, That hee fet his master on foot againe, and ere longe, wrought the downfall of those that formerly had been the cause of his masters fall and his ; and got to boote the hon^{ble} dignities first of a Banneret and after of a Baron, and an estate answerable for suport of those hon^{rs} as hath been shewed.

The like excellent servant was Thomas Try, for fourty years in four discents of this family under the lord Maurice the fifth the Marques Berkeleys brother, and under the lord Maurice his son, and under the lord Thomas the fifth his brother and heire, and the lord Thomas his son, by whose spetiall industry a great part of those possessions which the Marques Berkeley had vastly consumed, were againe regained to this family, the principall means it then had to maintaine it self, As in their severall lives hath been related. And for his reward obtained to bee in Comission of the peace as hath been shewed.

891 The like excellent servant was Thomas Duport, for 35 years under this lord Henry, by whose wife conduct and speciall sollicitation this family was in the time of Queen Mary enriched with the rever-|ter of their Barony of Berkeley ; And had by his prudent Counsells further wrought a durable happines in his masters family had not the sic volo of his masters mother, and after of his mistres his masters wife, (woemen too powerfull for the successe of good counsells,) turned his sound advices to his masters losses and dishonor ; The greife whereof caused fol : 794. Duport to withdraw from Counsell and service ; Hee attained also to bee in comission of the peace, as hath been shewed. What other servants of remarkeable meritt this family hath bred, or found usefull, let the pen of others render them their defervings.

Though the rule in husbandry bee true, That the master of a Country family must somtimes carry himself pleasant and courteous to his flocke, and not command them any thing in his chollar, (for boisterous and rough handling will with such vulgar husbandmen prevaile as little as with stiffe necked Jades,) And that if hee speak not somtimes familiarly unto them, laugh and jest somtimes with them, or give them occation thereto, or suffer them somtimes to laugh and bee merry amongst themselves, hee will too often find his works either not done or ill done : Yet Masters in great and honorable familyes attended with servants of better quality and of a more gentile education and imployment, may in their deportment retaine a more awfull greatnes befitting their estates, remembering, That as with ill bred

bred natures, too much familiarity may breed contempt, foe on the contrary, with the better fort of their houghold, a chearfull word and countenance begetts a contrary effect; And, doubtles works more strongly then double wages; verified in these three worthies, Bradstou, Try, and Duport, who severally possesseing their masters extraordinary usage and respect at home and abroad, thereby doubled their endeavours of doing answerable services; An able man, is longe in breeding, to gain him by a fair word, is noe costly purchase; Soe of able servants.

I desire the end of this application to bee understood, rather to continue in this family the memory of these three excellent servants, longe since in dust, to the raising up of others like them; than to instruct the now lord thereof how or in what garbe or posture to carry himself toward | his houghold servants, in their different degrees of places and imployments; And to make such use as best may [a]dvance his honorable ends and affaires. 892

18. **Finally**, and for the last of all the applycations and uses mentioned in the three volumes of this **Berkelcian** history, drawn from the observation of the lives of these twenty lords, reflecting upon the piety, vertue, vice, brotherly love or hatred, frugallity, prodigallity, discontent, adversity, prosperity, pride, humility, affability, industry, liberty, flattery, anger, impatience, moderation, passion, goods well or ill gotten, domineering of wives, and weomen, pride in servants, ingratitude, covetousnes, valour, cowardice, diligence and negligence in servants and sollicitors, ill education of children, with other like, observed and applyed by mee in the course of the story of this ancient and thrice honorable family, as I have for 550. years traced the waies wherein they severally walked, for the better levelling of the life of the present lord George; I conclude for all, and in an humble and lowly manner say to him, as the spirit of the most high by the pen of king Solomon, in the last of his booke of Ecclesiastes, counselled and said to his eldest son, and in him, to all others; Remember (Oh George) thy creator in the daies of this thy youth, fear God and keep his commandments, for this is the wholl duty of man; ffor God will bring every of thy works into Judgment, whether it bee good or whether it bee evill; **And** to put my most honored lord in mind of this heavenly Counsell, (which if followed will make him happy,) is the greatest requitall I can make to him, his father and mother, grandfather and grandmother, for all the benefits which for many years they have conferred upon mee and mine.

Eccles: 12. v. 1.
13. 14.

finis.

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APPENDIX

It may be well to append to the Orders cited in the text, certain other Orders for the regulation of the Household given by Jane the second wife of this Lord found at Condoover Hall.

AUGUST, 1601.—Orders set down by my lady to be observed by the gentlemen in every respect the which directions shall remain in the gentleman ushers hands to thence that none of them shall for their excuse plead ignorance upon the breach of these appointed orders by forgetting any of them but to cote of [cut off?] that inconvenience I do here appoint that every one of the gentlemen may at any time resort to the gentleman usher and such as can read may here see from time to time what those orders be whereby they may be the better instructed of their duties and orders appointed to be observed by them.

DIRECTIONS FOR THE
GENTLEMEN.

} The gentleman usher to see my gentlemen in household to live in decent order to be diligent and reverent in their services to my lo: and me to obey all other good orders set down by me in the yeomans book without any breach or contempt of any of them whereby both you shall greatly content my lo: and me with your obedience and well behaviour and tractableness and besides be an occasion to procure the meaner sort of my servants in calling to amend their faults by your good examples; and though I do refer you for the most of them to those orders already set down for brevity yet I thought it not good to pass over without directing some orders unto you as the chiefest to be observed.

TO COME EVERY MORNING
TO SEE THE DINING
CHAMBERS IN GOOD
ORDER.

} The gentleman usher to come every morning into the dining chamber and withdrawing chamber in the winter season at eight o'clock and in the summer at seven o'clock. If strangers be there then at more early hours and to see that the yeomen of those chambers do keep fires there in the winter and order well and dress up everything in those chambers according to my former directions set down. And if you find any lack in them to see those faults presently amended whereby this place shall be kept orderly to the contentment of my lo: and me, and besides shall be in decent order at all times for the entertaining of strangers, likewise in the summer time to see the chimneys trimmed with green boughs and the windows with herbs and sweet flowers and the chamber strowed with green rushes.

TO ATTEND AT SERVICE
TIME.

} The gentleman usher all the service days appointed to come up daily with the residue of my gentlemen to hear the service said before my lo: and me, and to come up somewhat before the Yomen and after service he and rest of the gentlemen to remain in the dining chamber and not to go down with the yomen, which is most disorderly; for as the hall is a fit place for the yomen so is the dining room most convenient for the gentlemen to make their most abode in.

FOR WEARING

FOR WEARING THEIR
LIVERY COATS FOR
A TIME.

} Further when any strangers be here, though but one in number, if they be of that calling that they do come into the dining chamber, then my pleasure is that the gentleman usher and all the rest of gentlemen shall presently put on their livery coats for the first night and all the next day following, unless it be funday or holiday, then to put on their cloaks but the next day that is a working day to wear their livery coats then after how long so ever any strangers do tarry unless new strangers do come before the old be gone, then again to wear their livery coats the first and the next day after their coming, and all the time after they may with my liking wear their cloaks, so the former appointed times be observed; and from henceforth neither my gentleman usher nor the rest of my gentlemen to depart either with their winter liveries or their summer liveries till new coats be given them; and I do further appoint that neither my gentleman usher nor any other of my gentlemen shall at any time when my lo: or I ride abroad during the time of our being in journey, wear any other upper garment either cloak or other wise, but only his livery coat; and when their liveries be first given, though no strangers be here, yet to wear them two days together unless it happen to be one holiday or funday, at what time they do wear their livery coats to keep them on all day without using to wear any other garment for that time.

NOT TO COME INTO THE
DINING CHAMBER WITH
COATS OR CLOKES.

} Further my pleasure is that neither my gentleman usher nor any other of my gentlemen shall come into the dining chamber nor sit at play with my lo: and me in his girken or doublett but either in his livery coat or in his cloak, and I do license from hence forth the gentleman usher and residue of my gentlemen though no strangers be here to come into the dining room at any time when my lord and I am at play there at any kind of game.

TO ATTEND IN THE GREAT
CHAMBER

} And when strangers be here then my pleasure is that they both after dinner and supper and at other times, both the gentleman usher and the rest of my gentlemen shall keep most in the dining chamber to make show of themselves both for the honor of my lo: and me and to be ready to do such service as shall be commanded them.

MY LA: WALKING ABROAD.

} Further when I shall walk any way out of the park as into the fields, as more or any of my outward grounds, then would I have the gentleman usher and the rest of my gentlemen be in a readines to wait upon me.

IN THE PARK.

} Further when I do walk in the park then I do license the gentlemen either to walke, bowl, shoot or use any other pastime or a where I walk in this order. If I do walk in the high walk then they may be in the lower walk; if I do walk in the lower walk then they may be in the upper walk. I do not fet down this as an exprefs commandment that I would have them be there only; I do licence them to be there or to be absent as they shall think good.

LICENCE TO COME INTO
THE GARDEN.

} And at any time when I am in the great garden myself, I do for the time of my being there, as well as when no strangers be here as when any be here, licence the gentleman usher and the rest of my gentlemen to come into the garden and there either to bowl or remain there as long time or short as they will; or to come in or not to come in as they are disposed, for I do not fet this down as an exprefs commandment I would have them to be there at such times as I walk there, but rather do give them leave without my mislike to come in where they will during the time of my abode there or to be absent as they shall think good.

DILIGENT

- DILIGENT ATTENDANCE
DINNER AND SUPPER** } And during the time my lo: and I am at dinner and supper and do sit abroad, my pleasure is that the gentleman usher and the rest of my gentlemen shall with due reverence and great diligence wholly give their attendance to wait upon us, and none for those times to go to rest themselves in other places or to be absent, but to wait diligently and not to go to any bye places to eat meat in corners, nor to take or give away any meat but by the gentleman usher's sufferance and licence, but to give good attendance till they go altogether to take our diversion, and therein All to behave themselves civilly like gentlemen without making any great noise or using any other uncivil orders, to use no playing fence nor disorderly pastimes in the hall which causeth great disorder and gives cause of offence by the great noise that comes by that means.
- NOT TO BREAK DAYS
HAVING LEAVE TO GO
FORTH.** } At what time that either the gentleman usher or any other of my gentlemen craves leave either to see their friends or to dispatch earnest business, none of them in any wise but upon great occasion and apparent cause to break the day appointed for their return, and besides not to go unless they do obtain leave of myself.
- FOR GREAT PLAY.** } Further my pleasure is that neither the gentleman usher nor none of the rest of my gentlemen shall use great play neither at dice, tables, nor cards; for excess of gaming impoverisheth your estate and causeth many disorders and contentions to be amongst fellows; but instead of these games to exercise yourselves in all manner of activity, as bowling, and chiefly exercise of your long bow wherein I take great delight.
- ENTERTAINING OF
STRANGERS** } The gentleman usher to see all strangers well entertained for my lo: honor and mine; every man according to his calling liking and estimation that is to be made of him; to see those that are of credit to be duly served with livery; none to have any in my house under the degree of an esquire of an hundred pounds a year of an inheritance at the least; your office being gentleman usher is not either yet any other of my gentleman to be at the serving of any liveries under the degree of a baron; gentlemen's liveries to be served only with women, unless it be a knight's son and heir or a gentleman of hundred mark lands of inheritance. An earl's son or baron's son then one gentleman to go with his livery and to place the bread drink and plate upon the cupboard in his chamber.
- ENTERTAINMENT IN
STRANGERS CHAMBERS** } The gentleman usher to give good entertainment to all gentlemen; to see them want nothing in their chambers; to see them have their breakfast in due time or anything else that they lack or their servants that is fit to offer to strangers for their better entertainment and when any gentleman of calling comes to the house he and the rest of my gentlemen to be ready to bring them into the dining chamber; and when they go away the gentleman usher and the rest of my gentlemen to bring them to their horses.
- ENDEAVOUR OF GOOD
ORDERS** } And as for observing of all other good orders, with the eschewing of any breach to the contrary, my pleasure is that the gentleman usher and the residue of my gentlemen should endeavour themselves to the uttermost they may to live orderly, the which good orders though they be at large set down in the women's orders at the end of the book, yet I think good to make a brief rehearsal of them here.
- HOURS FOR DRINKING** } The gentleman usher and the rest of my gentlemen to keep due hours for drinking, for the morning at eight o'clock, at night at eight o'clock, and to come to drinking two and two together.

ORDERLY RIDING ABROAD } When my lo: and I do ride abroad the gentleman usher to see the gentlemen ride afore two
and two together orderly without using any undecentness as in loud speech or rude sports
one with another.

MODERATE SPEECH IN } My pleasure is that when the usher of the hall, hearing great noise at dinner or supper time,
THE HALL } shall bid make less noise, no gentleman to seem to scoff or rail at him, but orderly to use
moderate speech for the better example of others.

FOR THE DUE OBSERVING } Further my pleasure is that both to contribute my lo: and me to make more services the more
OF MY LA: DIRECTIONS } acceptable to us who doth so greatly dislike those disorders, and also to give good manners
to your fellows of meaner calling, that even as you all tender my favour, the gentleman usher and all the
rest of my gentlemen to frame yourselves to the obeying of these reasonable orders set down by my lord
and mee.

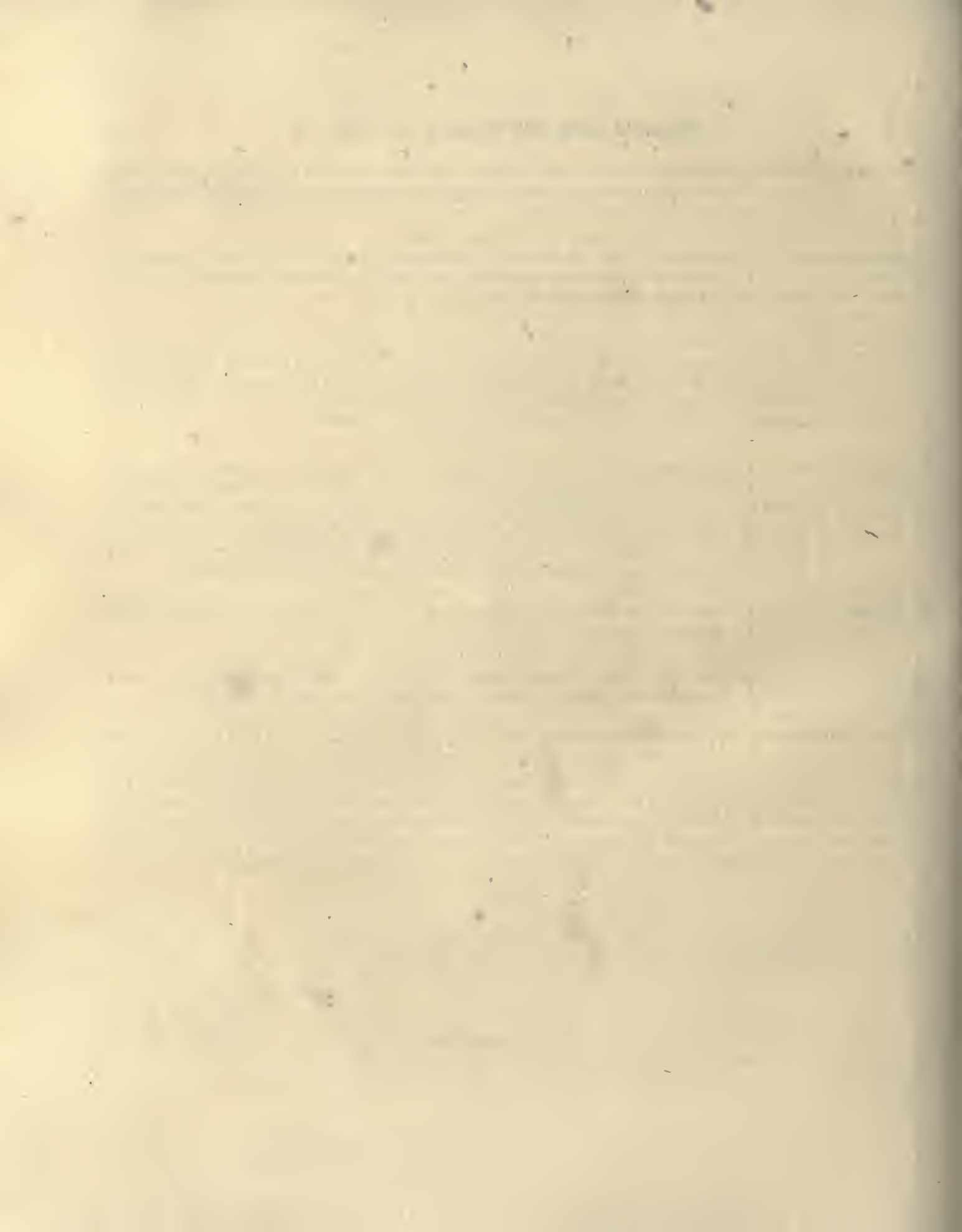
TO KEEP PRIVATE THE } My pleasure is that none of my gentlemen only the gentleman usher excepted, shall come into
OFFICES } any of the offices, as Buttry, pantry, cellar, brew house, backhouse, kitchen, scullery, larders,
neither yet into the landry or dye house nor in those two last rehearsed nor the gentleman usher to come
into them; neither yet he nor any of the rest of my gentlemen to use any carousing in any house to make
one another drunk, or to prefs any stranger to carouse; to frequent no alehouse; not to use great swearing
nor any other dishonest kind of life, but to behave themselves orderly and civilly like gentlemen.

QUARRELLING } No gentleman to fall out or quarrel one with another but to live lovingly together, without
fighting or contention.

FOR BEING NOT A NIGHT } Neither the gentleman usher nor none of the rest of my waiting gentlemen to ly out a nights
OUT } but to come into their own lodgings, appointed for them by nine o'clock at night.

TENDING AT THE DRESSER } The gentlemen to come at the first call of the usher to the dresser, and there to use themselves
decently without loud noise or any rude behaviour and with all duty to endeavour yourselves
to obey and observe them without any breach of any of them so near as you can possible, and all you
my waiting gentlemen to be obedient to my gentleman usher to do what you shall be commanded by him
touching the decent and good ordering of yourselves and doing diligent and dutiful service to my lo:
and me; and because you shall well know all these orders are set down by myself, hoping you will the
more willingly with obedience frame yourselves and service according to these directions, I have in the
end set to my hand and therefore do expect these orders shall be the . .

In the margin of the last page is written:—"found at Cranford, June, 1635." And at the top of
the same page an old hand has written:—"Lo: Berkley's orders."



George now Lord Berkeley.

The Life of George the First

895

Part of the life of George lord Berkeley the first of that name, stiled in writings Sir George Berkeley knight, lord Berkeley, Mowbray, Segrave, and Breouse; And may bee called George the traveller, or George the linguist.

Contemporary with king James, and king Charles from 1613. till

Part of whose life I will deliver under these 5 titles; viz.

- 1.—**In** his abstracts from his Ancestors . fol : [895]
- 2.—**In** his parentage and discents . fol : [897]
- 3.—**In** his birth and education . fol : [899]
- 4.—**In** his law suits arisen in his minority . fol : [907]
- 5.—**The** Conclusion of the author . fol : [917]

In this Lord George is compleat the third Septenary number from Harding the Dane, the first of his English race: what men the two former septenary lords, Thomas the second and William the Marques, the best and the worst, were in their generations, their lives have declared.

In this lord George are more quadrately compleat, the odd numbers of threes and Seavens.

Though the bulke whereto this third volume is growne admits noe repetition, yet breifly let the abstract of this family be observed, first In threes, in numero ternario.

3. **Maurice** the last of the first three, by his maryage established this Barony, And fetled so sure a peace to his family as continues durable to this day. |

6. **Maurice**

896 6. **Maurice** the last of the second three, by his siding in the Barons warrs in the time of king Henry the third, cast himself and his wife into that indigency That if the said king her unckle had not bestowed on her lands in Kent, shee had begged for want of bread, for soe are the words of that Record of the kings guift.

9. **Thomas** the last of the third three, by his ever memorable industry doubled his revenue ; And to his entaile to the heires males are the last eight lords of this lyne b[e]holding for their honor and barony.

12. **James** the last of the fourth three ; his sun fet before the rising : hee lived not to see the honor of his Ancestors : born to honor but had it not.

15. **Maurice** the last of the fifth three ; hee had honor by discent, but noe land withall : Instead of land his brothers malice discented upon him : His suits in lawe were more then the acres of ground left him by his last Ancestor the Marques.

18. **Thomas** the last of the sixth three ; for shortnes of hon^r hee standeth single : his baronage saw but one winter solstice.

21. **This** lord George, the last of the seaventh three ; Hee is the center of threes and feavens, in whom the whole circumference is closed ; Lord raife up his spheare in summa ange, in height above his Ancestors.

Now observe the abstract of this family in Seavens, in numero septenario.

7. **Thomas** the last of the first feaven, like the active king (Edward the first) in whose daies hee flourished, was a lord compleatly fitted tam Marti quam Mercurio, the greatest scholler, souldier and husband of All his Ancestors. |

897 14. **William** the last of the second feaven, was the most ambitious man that ever lived in his generations ; Hee wasted and gave away fower baronyes and half a Dukedome ; And left nothing in effect to his heire but a tongue to complaine.

21. **This** lord **George** the last of the third feaven ; speak of him when I am dust and hee at rest ; numbers are not the causes of transmutations of families : Lord enoble his character above his Ancestors ; I leave him in his minority between hope and fear, And returne to declare him first in his parentage next in his life and actions.

His

His Parentage and discents.

This lord George by Harding his first Ancestor is a Dane of regall parentage. A Dane.

By Eve wife of Robert the first, and by the wholl discents of Breouse and Mowbray, a most honorable Norman. A Norman.

By Alice wife of Maurice the first, and by the wholl lyne of Segrave whereof hee is heire, an English Saxon. A Saxon.

By Elizabeth mother of James the first, heire to the ancient families of Reis, Bloet, and Pichard ; And by Margaret wife of Thomas the third, (discended of the Princes of Brittain and Wales,) And by Anne Morgan wife to his great grandfather Henry lord Hunsdon, is a Brittain or Welshman, whereby hee is privedged to weare a Leeke on S^t Davids day the first of March. A Welshman.
A Brittain.

By Ifable wife of Maurice the second, and by Ifable wife of James the first, one of the Coheirs of Thomas de Brotherton eldest son of king Edward the first by Margaret his second wife daughter of Phillip le Bel king of ffrence, A ffrenchman, And of the royall bloud of England and ffrence : As Also discending from Edmond second | son to king Henry the third, father of Henry of Monmouth Earle of Lancaster, Leicester, and Darby, great grandfather of the said Ifable. A ffrenchman.
Of the roiall
bloud.
898

By Margaret wife of Thomas the third, daughter of Roger Mortimer first Earle of March, son of Edmond Mortimer lord of Wigmore and of Margaret ffendles his wife daughter of William de ffendles, a Spanniard ; Cozen to Queen Elleleanor first wife of king Edward the first. A Spanniard.
Powell : 316.

By the said lady Ifable wife to James the first, discended from fferdinando Marques of Saluce of the house of Saxony in Germany by Alifon his daughter wife to Richard ffitz Alan lord of Clun and Oswaldestry ; A Germaine. A Germaine.

By Eve wife of William de Breousa lord of Brecknock and Gower, ffifth daughter and one of the Coheirs of Ifable daughter and heire of Richard Strongbowe Earle of Penbroke and of Eve his wife daughter and heire of Dermot-mac-murrough son of Patrick king of Leinster, (from whom hee in three wayes discended) An Irishman ; whereby hee is privedged to weare a red crosse on S^t Patricks day the 17th of March. An Irishman.
Howe : fol : 152.
Vincent : fol : 411.
Yorke. fol :
Powell. fol : 313.

And

And justly by right of discent this lord George quartereth these twenty coats, very remarkeable in their generations ; viz^t, Berkeley, Bloett, Brotherton, Mowbray, Breouse, Segrave, Chancombe, Bello campo, Longspey, Albeny, ffitz Allan, Blundevill, Warren, Plantagenet, Marishall, Strongbow, Murchas, Mead, Read, and Stanhope ; As formerly in these relations hath appeared, and how they are come into his bearings.

Grant Lord That in his course of age hee may grace this his parentage by his virtues, as his parentage graceth him ; And to know That proper virtue joynd with this nobility of birth is enobled with a double honour : **And** now to his life. |

His birth and education.

899 **This** lord George was born at Lowlayton five miles from London, on Wednesday the 7th of October in the 43th year of Queen Elizabeth, Anno 1601, between the hours of ten and eleaven in the forenoone, And was christened on munday the 26th of the same month ; his grandfather George lord Hunfdon and Charles Howard Earle of Nottingham being his godfathers, And the lady Jane second wife to his grandfather Henry lord Berkeley, his godmother ; And was afterwards created knight of the Bath at the Creation of Charles Prince of Wales, after the death of Prince Henry his elder brother.

It fared with the father and mother of this lord George during their joynt lives, as with younger brethren (though heires to two noble families) who having Anuities for their maintenance, and noe houses wherein to settle themselves, must sojourn with freinds or hire where they may for money ; So consequently it fell out with this lord, a part of themselves and the hope of both their posterities, who (having been nursed at Envile) moved with them according to their motion, to London, to Claredon, to Newpark, and lastly to Callowdon, where and at Coventry, till the dissipaçon of his grandfathers family a month after his death, hee remained a scholler under Doctor Philemon Holland ; And from thence to London with his mother, as hath been said ; where between her houses of Redcrosse street, Mylend, Durdens, and Cranford, hee continued under the instruction and example of M^r Henry Ashwood, his sober and vertuous tutor, till hee was fitted for Oxford.

Novem : 1613.
Anno : 11. Jac.

In memoriall of whose vertue and progresse in learning, then but twelve years old and one month, I will borrow leave to transmit to posterity a L^re of his own writing, which hee from Coventry schoole sent to my self then in London in these words

words ; Accepi a te domine Smythe, chronicon Johannis Speedi cum chartis chorographicis in duobus tomis ; opus fanè, ut videtur, egregium dignum lectu, jucundumq, aspectu ; et quod maius est, perlegi epistolam ad me tuam, plenam iudicij et gravis consilij, quæ ut inditia veri amoris tui, magni | estimo ; Chronicon quidem 900 diligentè legam, et apud me servabo, cartisque oculos meos pascam ; consilium vero tuum, deo volente, sequar ; pro utrisq, gratias tibi ago, daboque operam posthac, et te redamare, et tibi pro viribus gratiam referre ; vale, Coventria. 9 Novembꝛ. 1613.

Tui amantissimus

Georgius Berkeley.

Of whom it may bee truly said, That hee is born generous and capable of vertue ; but wisdom is not gotten without paine ; folly may bee bought and findeth many Chapmen, but true honor noblenes and wisdom that makes great and happy, are the fruits of wise companions and the counsells of the dead ; Hatefull may his memory bee that by his evill company corrupteth these seeds, for honor and reputation in such a one as this young lord is like to prove, is so delicate a thing as a small excesse may blemish it, and acts of indiscretion may ruin it ; It is a spirit that goes and returnes not againe.

The 26th of which November in which hee wrote that tre, his grandfather Henry lord Berkeley dyed, as hath in his life been said ; And in December following, the lady Elizabeth with this noble gent her son, then lord, came to London, where shee found the grant of the wardship of his body and marriage passed by the said Earle of Northton, both under the seale of the Court of Wards, and of the great seale, And direction given for finding the office after the death of the said lord Henry : which being returned into the petty bagge in Hillary Terme following, the said Earle, whilst hee endeavoured the passing of a lease of the said lord Henries lands, (whereto the king was now, not before, entituled,) dyed the 15th of June following, Anno, 1614. in the 12th year of king James, at Northton house by Charinge crosse ; whereby the said lady apprehending the advantage, presently entred into that affaire, as by right of his Ma^{ty}s instructions devolved upon her ; And the 13th of July following got the lease under seale ; And at the same time compounded with the Counsell | of the Court of Wards for the Casualties of Copy-hold ffynes, Advowsons, Copice woods, heryotts, and other perquisites which might arise out of the kings part of her sons lands during his minority, (which were excepted in her said lease,) And obtained a Decree for the better establishment of that agreement ; All which by her personall travell were the sooner and better effected.

1. grant 26 feb :
10. Jac : regis.
2. grant. 16. Junij
11 Jac :
11. Jac.

Anno. 12. Jac.
1614.

901

Decrẽ in
Cur : Wardo[rum]

This

1613. 1614 11 et
12 Jacobi.

This done, it was the prudent observation of this lady That in the five last discents her fons family had not received into it the warmth of any other influence, save what their Ancestors left to shine upon them, and themselves by a temperate motion had preserved and held upon their paternall pole ; And thereupon, studious how to enlarge his spheare, in ffebruary and March before the said Earle of Northtons death, by the speciall means of the lady Jane the widow of this lords grandfather, a marriage was concluded upon, (wth the said Earles consent,) between this lord and Elizabeth the second daughter and coheire of Sir Michaell Stanhope knight, brother of the said lady Jane, A prudent gen^t of an honorable discent and family ; Between whom and this lords mother, the paralell was foe equall without giving or taking or opening at either end, That by Indentures dated the thirtieth of March in the 12th of king James in consideration of the maryage intended between the said parties, hee setled upon them a great part of his inheritance in the Counties of Suffolk and Middlesex, then (as hee delivered his p^ticuler) rented at . 1503^{li} p Anⁿ ; giving further hope of the faire and uniforme house in S^t Johns Street near Clarkenwell, where hee then dwelt, And which two years after hee performed and setled upon his said daughter ; Neither was the hope unprobable, but that the said Elizabeth might enjoy a coperciners part of the possessions of Sir Wiltm Reade of Osterly knight, whose only child (then living) her mother was, which then also were estimated by him at—3000^{li} p Anⁿ : And which upon the death of Sir William, the 11th of August in the 19th of King James. 1621. came home to that hope.

902

According to which agreement, on Thursday in Easter | weeke following, the 13th of Aprill in the 12th of king James, 1614. this lord George maryed her the said Elizabeth in prefence of both their parents in the church of great S^t Bartholomewe in London, He then of the age of thirteen years and six months, And shee the said Elizabeth of the age of nine years, upon S^t Thomas day the 21th of December then last past ; her elder sister the lady Jane having about one year before at the same church been marryed to Henry Viscount fitz Water, son and heire apparant to Robert Ratcliffe Earle of Suffex, with as great a portion of his possessions setled upon her ; And having in these two honorable families setled his posterity, His next thoughts was reflected upon his own mortallity ; And accordingly not longe after, erecting his Tombe at Sudburne in Suffolke where hee intended to bee buried, hee engraved thereupon these words, viz^t,

Memoria justorum in manu dei est.

Sir Michaell Stanhope knight in the County of Nottingham left five fons, Thomas Stanhope knight of the same county ; Edward Stanhope knight of the County of Yorke

Yorke, and one of the Counsell there established; John Stanhope knight, lord Stanhope of Harrington, of the priory Counsell to Queen Elizabth and king James, Vice-chamberlaine to them both, and Treasorer to them both; Edward Stanhope knight doctor of the civill lawe; Michael Stanhope knight, lord of this Manor, who mindfull of his mortality, while hee lived, erected this monument,

Heere resteth in assured hope to rise in Christ, S^t Michael Stanhope knight, who served at the feet of Queen Elizabeth of most happy and famous memory in her privy Chamber, twenty years, And of our Sovereigne king James in the same place the rest of his daies; who maryed Anne daughter to Sir William Reade of Osterly in the County of Middlesex knight, by whom he had | issue two daughters; Jane maryed to Henry 903 Viscount fitz Walter, son and heire apparant to the Earle of Suffex; And Elizabeth maryed to George lord Berkeley, Mowbray, Segrave, and Breouse, of Berkeley Castle in the County of Glouc., this George being the 21th Baron by discent.

All honor, glory, praise, and thanks, bee unto thee O glorious Trinity.
Christ Jesus came into the world to save sinners, whereof I am cheefe.

I Tim: 1. 15.

Thou hast redeemed mee O lord God of truth. Psa: 31. 5.

I desire to be dissolved and to bee with Christ. Phil. 1. 23.

Death is to mee advantage. Phil. 1. 21.

I will take the cup of salvation and call upon the name of the lord.

Pfal: 116. 13.

He that glorieth, let him glory in the lord. I Cor. 1. 31.

Faith. hope. charity. on three of the pillars.

This his monument was finished two years and more before his death, whereby it may appeare, (if neither his will nor ought else were,) what opinion hee held of M^{rs} Bridget,¹ whom his said wife (whose daies longe after lasted not) brought into the world

¹ M^{rs} Bridget Countess of Desmond whom S^t M: Stanhope never did own & was brought up in a Cottage, but after his death came in as Heirefs to S^t Michael Stanhope upon George Lord Berkeleys Hitting his Steward a Box of the Ear, he told him it should cost him dear, & carried M^{rs} Bridget to the Duke of Buckingham who married her to a near relation of his & went to Law with the L^d Berkeley whose wives sister shee was proved.

² It was thought S^t M: Poisoned his wife Imediatly after her lyeing in.

[These notes, from the margin of the Manuscript, are in the handwriting of Lady Elizabeth Germain.—Ed.

See *Ante* p. 408, n.]

world fower years before the erecting of this Tombe; He dyed the 18th of December in the 19th of King James. 1621. his father in Law Sir Wittm Read being dead the 11th of August before.

fynes. 22. R. 2.
m: 15.
fin. 2. H. 4. m:
34.
pat. 7. H. 4. ps. 1.
claus: 1. H. 5.
dorfo.
Ing: 46. E. 3. post
mort. Johis Stan-
hope.

904

In honour of which lady Elizabeths discent, I will (out of my mean collections) add, That her said grandfather Sir Michaell Stanhope, beheaded in the Sixth of king Edward the Sixth, was the son of S^r Edward Stanhope, son of Thomas Stanhope, son of S^r John Stanhope knight, who dyed in 9th of king Henry the 7th, | son of Richard Stanhope who dyed in the life of his father, son of S^r Richard Stanhope knight, who dyed in the 14th of king Henry the sixth, son of John Stanhope Esq^r, who dyed in the 46th of king Edward the third, son of Richard Stanhope knight, son of Richard Stanhope, who possessed ample possessions in the North parts of England in the time of king Edward the first.

vita: E. 6. p
Johiem Heyward
fol. 82. et at.

In which pedegree I omitt the name and place of Anne Stanhope wife to Edward Seymore Duke of Somerset, protector of the Realme and of king Edward the sixth; The rather for that in the best histories of these present daies, shee is published to bee a woman for many imperfections intollerable, for pride monstrous, exceedingly both subtile and violent in accomplishing her ends, for which shee spurned over all respects both of conscience and shame, &c. And brought to fatall destinies both her husband and his brother, and some of her own kindred. But how deservedly marked with that character, I know not.

dated: 14. Junij
12. Jac: 1614.

The foresaid Henry Earle of Northton in his will (made the day before his death) hath these words; I will, That my executors for such interest as I have, shall assigne over the Wardship of the lord Berkeley to Sir Richard Spenfer and M^r Thomas Spenfer his great uncles, To the use of the said lord Berkeley, Hee paying 1500^{li} for the same to mine executors, being neer about the charge I have been at concerning the said wardship; And of his said will made his three servants, John Griffith, William Bynge, and Robert Cole, Executors; who demaund the 1500^{li} of the lady Berkeley and of Sir Michaell Stanhope; And for nonpayment bring against them a Writ of Ravishment of ward, upon the Statute of Westm the second: The sute proceedeth, the case is drawn, and deliberately advised upon with Counsell by the defendants in their own persons; The writ appeareth to bee mistaken by the

Westm. 2: ca. 35

905

Executors, brought by them as Executors to the said Earle, | whereas they had the same by the Earles Deed inrolled in Chancery two days before his death, the end and losse of a years suite; A new originall was ready to bee purchased by the Executors; The case with the circumstances contained ten poynts, most of which were

were doubtfull: propositions are made for peace, and propounded; the offer embraced; The agreement was That (besides 300^{li} in hand) 1200^{li} more should bee paid at three daies: Security is given, the ravishment is releafed, the payments are made accordingly, And the 25th of November in the 14th year of king James, a deed is sealed to the said lady and Sir Michaell Stanhope by John Griffith alone, whereunto the Earles of Suffolk and Worcester and the lord William Howard, (three of the Earle of Northtons overseers,) were witneses; The other two Executors refusing, who were regnum inter se divisum, at much variance by mutual suits in Chancery, but to Griffith the lords overseers adhered.

Carta in castro
de Berkeley.

Though I covet brevity, and know that truth is not to bee followed too near the heeles, whereby I will omit the tres and answers that passed between this lady and the lords, overseers to the Earles will, who would have laid the wholl burthen on Sir Michill if thereto her vertuous disposition would have assented; Yet shall the Earles gratitude appear to bee somewhat lesse to this lord George then the merits of his grandmother deserved, (which mine own often employments between them can witnes,) adding withall the fugged tres w^{ch} hee often wrote to this lady Elizabeth in assurance thereof; And his estimate of his sisters memory, delivered oft to mee under this valuation, That whilst shee lived shee was to him the dearest of all Gods creatures; his ambition only being, (such were his words,) to requite her bounties to himself in the sweetest image of her self: A few lynes of one of which, (written to the said lady Elizabeth 11. weeks after the death of her husband,) read in these his words, viz^t,

dated. 14. febr:
1611.

It is not strange to mee (most noble lady) that you bestow the favour which I find by your token upon your true freind and ally, whom you have already bound by curtesies before this time: But yet I am sorry you have sent a token of greater value, then I | would willingly receive from a lady that by her vertues deserves rather to command my fortunes: Your life hath been of prooffe, your actions most worthy of respective imitation, And your kind and tender love to all your late husbands freinds and Allyes, soe farr above the custome and manner of ladies, matched in like degrees, as wee had all great reason to esteem you as a pretious ornament to that honorable house in which you were bestowed, and a comfort to us all that are record^{rs} of your meritt in the life, and your mindfulness after the death, of him with whom you lived soe longe with honor.

A jewell of great
price.

906

2. Touching the care of your hopefull sons education, (worthy lady) though it shall bee needlesse to repeat what I have written to my brother Berkeley, yet I will add,

add, That so long as I live, your care your counsell and desires shall bee regarded as mine own, in any thing that concerns him in any way ; And when I dye, my will
 2 shall testify both what I think of your vertue, and in this case what I owe to your affection. During mine own time, I confesse the height of my ambition is, to expresse by care of this sweet child in what accompt I held the grandmother, that for her vertues and rare parts, besides her love to my self, deserves to bee recorded in a gratefull memory ; for nothing shall bee neglected that may tend to the perfection
 4 of her son in all degrees, that both living and dead was most deare unto mee. Since it is yo^r La^{ps} desire that I should retaine this token of your favour, I will obey your will, but with this promise, to deserve it to your liking or to send it back againe with an obligation of thanks. Comand ever as much as any that liveth.

febr. 14. 1611.

Your affectionate uncle and constantly
 devoted freind : Northton.

907 **Take** also a fewe words more drawn from two paragraphs of another tre
 5 febr : 1613. written by the said Earle the ffifth of february, | Anno, 1613. after the death of this lords grandfather, viz^t,

Honorable and worthy lady, I should blush to receive soe many favours as I have done from your La^p at sundry times, if I were not resolved to requite them in the right time, which if I doe not, beleive that I have offended against you, that are soe near both by allyance and blood, as to this day I never did to any other by ingratitude. In the mean time resting ready to acknowledge to your La^p by any service and means, the noble favours, besides that constant and kind affection I have received from your noblenes, I ever rest—Your La^{ps} affectionate uncle and true freind to serve you

Northampton.

Anno : 1615.
 13. Jac : **This** family having observed what I wrote of the Manor of Bosham in the life of Maurice the fifth, is further to bee informed, That this lady Elizabeth desirous to see that part of her joynture, in the vacation between the two termes of Easter and Trinity, a year and an half after it accrued unto her, accompanied with this lord her son, made thither her first journey, whom my self attended : At a Court then holden at the Manor house by Nicholas Holborne her steward, the wednesday in Whitson week, shee her self declared to her tenants then assembled the motives of her journey and of holding that Court, To see and know them, and to make her son known amongst them, whose the inheritance was ; Holding it fitting, (for continu-
 ance

ance of mutuall right and accord,) That aswell by sight of each of their Coppies as by their further p^rsentment, (sith part of their Copihold lands were heriotable, part not, and held by one and the same copies,) that such a distinction might by their selves now bee made As neither heryot or other service might bee hereafter denyed when due, nor her Steward exact that through ignorance which was not justly payable, with other like words full of sweetnes towards them ; Answere was made by many, but principally by John Exton an Alderman of the Citie of Chichester, (many of whose citizens by reason of the adjacency of that manor to their Citie are Copyholders,) denying her power | either to call a Court at that time, or that themselves owed any service thereat, with much other matter to that peremptory effect ; After time for further deliberation given, till her return from the Isle of Thorney, the Tenants returned with Counsell, upon a second and third meeting, (the former affronts wisely by her dissembled,) promises were made for some poore kind of conformity, but in the end after daies againe and againe given by her Steward, till Michaelmas and Hillary Courts following, altogeather unperformed ; whereby

Patientia sæpe læfa, vertitur in furorem.

Patience often wounded, is converted into fury.

Shee in the end of that Hillary Terme in the 14th of king James, exhibited a bill in Chancery against the said John Exton and twenty or more of the cheifest of those Copyholders, wherein nine points were afterwards by two Decrees upon that bill ordered against them ; viz^t, The fynes of their Copyhold lands called boordlands declared to bee arbitrable at her will ; Old works of villenage (for 120. years last neglected) reduced to a yearly rent of 74^{li}. where nothing formerly was paid. Leafes by them pretended to bee lawfully made for one thousand years and upwards, reduced to 21, or under, and for a fyne, and by licence ; Themselfes declared to bee Copyholders, not freeholders in Ancient demesne in hault tenure, as they mainly insisted upon to have been ; And their Indenture of confirmation of their customs made by Henry lord Berkeley in the 7th year of Queen Elizabeth, (which they for the Canonicalnes thereof called Bosham bible,) declared void, and damned, with other like, as the Decrees doe shew, And at this instant themselves in contempt and likely the next Terme to bee acquainted with the ffilet for their contempts ; The fear whereof drives them in much humility to sue for peace in a farre different note from the first tune of the said John Exton and others at their first appearance upon subpeanaes, then proudly assuring | her La^y That if they were constrayned to spend but five shillings shee should not bee excused for five hundred pounds : But the case did in two years much alter ; shee prevailed above her own expectation, They now avow before her to have spent—900^{li} in the suite, willing her La^y foe an end may

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1.

2.

3.

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7.

Triñ. 16. Jac :

These decrees were afterwards vacated by another
909

decree dated 17 Octob.in 18 Jacobi and the tenants restored to the former claimes and customes, &c.

bee

bee, to propose her own conditions, which not fourteen daies past shee hath done, by their payment of—1960^l to redeem their folly, whereof they accepted; **This** suite ariseing from so unnecessary a provocation through the peevish refractarynes of proud tenants, hath made them fabula vulgi, a byword to all their neighbors, and president to posterity; wherein though it pleased her and her brother in lawe Sir Michaell Stanhope, (who much incited this suite,) to leave it wholly unto mee, I can challenge noe more therein then that her good fortune hath brought it and all the like to like succeffes.

1. **In** the time of which Bosham suite, shee was enforced unto three others in the Court of Wards: The first against John Osborne of Bosham for wrongfully detain- ing certaine of her demefnes in that Manor as assignee to John Shelly, a bannished recusant, Lessee for his life by the demise of Henry lord Berkeley in the time of Queen Mary; who lost his terme and shee quietly now enjoys it; wherein part of the question was whether the lessee or the assignee of his lessee for life should prove the life or death of the tenant for life.

2. **The** second against Richard Byford of Slimbridge for his often infringements of her liberty of Berkeley hundred, the succeffe of which suite with his punishment more largely followeth.

3. **The** third against Sara Tilladam, who claymed her widows estate in a Copyhold meffuage in Bevington in the Manor of Hame, after the death of Thomas Tilladam her husband, according to the custome of that manor; which was denyed to her, in regard hee being much weakened by longe sicknes and taken in Execution for debt upon a Capias ad satisfaciend, at Berkeley on a Sattur- day at two in the afternoon, And being that night conveyed to the house of one of
910 the Undersheriffes men in Gloucester, was the next morning there | maryed to her; And that shee being a servant in the house of James Atwood an Inholder in Berkeley (where hee was taken) followed him to Glouc., and foe the next morning by maryage became his wife; And being within two hours after mariage comitted to the goale, their dyed of his old infirmity within three weeks after, leaving her both maid and widow, as was supposed; who hereupon claiming her widows estate
Hill. 15. Jac. 1617. whilst shee should live sole and chaste, was by an Injunction out of the Court of Wards removed out of her possession; for that by noe reasonable intendment such a bed could have a free bench, neither was fraud and Practice to advantage any Tenant against the true ends of mariage.

In

In the 18th year of the said king, this lady at her only charges obtained from his Ma^{tie} a large grant of liberties in the name of this lord her son in all his hundred of Berkeley, and in his burrough and manor of Tetbury, And in his manor and hundred of Portbury ; Which liberties were these, viz^t, A viewe of ffranke pledge and whatsoever thereto belongeth ; And all felons goods of what kind soever, whether felons of themselves or otherwise ; wayved¹ goods, Estrayes, Treasure trove, Deodands ; year, day, and waste ; estrepments² ; goods of fugitives and of convict, Attainted, outlawed, and of wayved persons, before what Judge soever, or in what Court wheresoever such goods shall come to bee forfeited, And all issues and amerciaments lost or forfeited within the said hundred ; And all whale fishes, Sturgeons, and all other great and royall fishes, in whatsoever free fishings within the river of Seavern ; And all such faires and marketts as have been accustomed, Togeather with a Court of Pipowders, with all Stalls, pickages, waights, fines, Amerciaments, Tolls, liberties, and free customes, to such faires and markets belonging ; And also free Warren in all his demesne lands within the said hundred, and in all other places where his Ancestors have used to have free warren, with divers others the like ; And in Tetbury, a view of frank pledge within that burrow and manor, and whatsoever thereto belong-|eth, and all marketts and faires there heretofore held and kept, with all Tolls, stalls, pickages, waights, fynes, and amerciaments, to them belonging, or there used ; And all waived goods, estrayes and deodands, And all goods of felons, fugitives, felons of themselves, And whatsoever other liberties any of his Ancestors have there had or used, with others more, as by the said grant more at large appeareth. The purchase whereof with the succeffe of the Bosham suite before mentioned, draweth near to her late purchase of the sweet and well feated manor of Cranford in the County of Middlesex, which with the price of—7000^{li}, shee hath this present Easter Terme . 1618 . in the 16th of king James, purchased in fee simple of the sower Coheires of Sir Robert Aston ; having also strengthened her estate therein by a new tres patents from his Ma^{tie}, Not only preserving her sons possessions during his minority from all diminution with some increase of his rents, but enriching the wholl with more regall liberties then were attained unto by any of his former Ancestors ; not speaking of the great advancement which this lord her son wth his posterity is assured to receive by his marriage, obtained by her care and prudence ; And this is that charter of liberties wherto I related in the life of the lord Thomas the second under his title, of law suits. Neither

Carta. 25. Julij
1616. 14. Jac : in
Castro de Berkel :
v'e fol :
In Berkeley
hundred and in
Portbury.

In Tetbury.
911

Cranford

fol : [226]

may

¹ Forfaken. [ED.]

² Waste made by tenants for life to the prejudice of him in reversion, whether by cutting trees, &c., or by deterioration of the land by continual cropping without manure or other unfair husbandry. [ED.]

may I omit, that in August and September last, 1617. in the 15th of king James, shee was present with this lord her son at all the Courts of his Manors in the Counties of Glouc. and Somersett, and at their severall Leets and Courts of Pleas, perusing the perticular estates of each tenant in each manor, holding by lease or by Copy, comparing all the perticular p^{ts} of each demise with her own booke to that purpose before hand prepared, noting therein with her own hand, the lives in being, and the rents and other profits reserved upon each estate ; wherein shee fate sometimes fowerteen houres without departure from her seate, drawing out those labours at some Manors till near midnight, my self then Steward and attending her in that
 912 service : pres-|dents not more rare in a lady of her birth, then noble incitements to her son, present also most of those daies and hours with her.

Were all wives such, this age would happy bee,
 But happier that, of our posterity.

Bill exhibited in
 Hillar^e terme. 15
 Jacobi.

At which time many complaints being presented unto her touching the daily infringes of the liberty of Berkeley by one Richard Biford of Slimbridge, an attorney at lawe, with the wrongs and oppreßions thereby thrown upon his neighbors, shee exhibited a bill in the Court of Wards against him, whereupon after defence by him made, and witnesse examined : hee was heavily censured, fined, and awarded to pay greater costs then his ability at that time might beare ; howbeit, by his submission, acknowledgment of his offences in writing, and by appealing to her mercy, hee found greater favor then either his offences deserved, or his guiltines expected, in remission of the heaviest part of the Decree and sentence of the said Court.

Anno : 15. Jacobi
 1617.

From which Charter of liberties in Berkeley hundred, shee in the last year (amongst some others) reaped these fruits in the Manors and lands of other men ;
 1. One Cullen an Inholder in Dursley by stabbing of himself with his own knife, becoming thereby, felo de fe, his goods escheated, which shee had.

2. A fervant to John Hollister working at his water mill in Wike near Berkeley coveting with a feather in his hand to oyle the coggs, was by their swift motion caught and drawn in by the Arme, and ground almost to peeces, whereby Hollister made composition for the deodand, coggs, wheele, and upper millstone ; for quicquid movet ad mortem deodandum est : which the lord of the fee of this mill, a magistrate of Bristoll, armed with a double power of the Charters of that Citie, and with the authority of the generall Eleemoziner to his Ma^{tie}, would have wrested from her, but could not.

3. The

3. The like deodand of wayne and six oxen happening about | the same time 913
 at Nimpesfeild, a manor of M^r John Bridgemans, as it was entring into his gates
 with wood, when the owner perished under the wheele of the wayne. And lastly 4.
 in this present month of May 1618, in the 16th of king James, one Thomas Caston May. 16 Jac. 1618.
 a tiler in taking down an old farm house of Robert Webbs in Cromhall Ligon, the
 old inheritance of the Dornyes, found hidden between the tiling and feiling over
 an old oven, fower and thirty peeces of gold of the coine of king Henry the sixth
 as the inscription shewed, then of 13^s 4^d, the peece ; which hee with others coveting
 to conceale, A bill was by her exhibited against fower of them into the Court of
 Wards, making her title to that treasure trove under the said Charter of king James;
 But they seeking peace, found it, And upon receipt of an accompt of the wholl, shee
 honorably gave back a part, rewarded some others, retaining the residue to her self.
 With which composition, (sith finding of gold is held good fortune,) I end these
 relations, the day this lord George began his first Journey to Oxford, whither hee
 came on Thursday, before Whitfunday the 21th of May in the 16th year of the
 raigne of king James, Anno, 1618 : where in Christ Church Colledge, I leave him
 to his booke, under a discreet tutor, attended with honest servants, carefull of his
 health and honor ; himself full of ingenuity, quick of apprehension, and sweet of
 nature ; of a loving affection towards his wife, almost three years younger then him-
 self, And shee in a like Sympathy towards him, vertuously bred under a prudent
 father at S^t John Jherusalem in the parish of Clarkenwell by London ; In fyliall
 obedience towards his mother, sincerely affecting with brotherly love his vertuous
 sifter ; These seeds promise a fertile increase ; how fruitfull the harvest will prove,
 God Almighty qui omnia novit et suaviter disponit, hee only knowes ; The living,
 and not my dust, will tell hereafter when the cropp is inned into the barne ; Possessed
 at this time of his ancient castle of Berkeley, and of more then one thousand marks
 of old rents about the same, which have inseparably accompanied his ancient and
 honorable | family in all these former twenty generations, through the various 914
 motions of 550. years : A miracle and blessing which the God of heaven and earth
 hath not by the visibie testimonies of his mercy, bestowed upon any other family of
 like ranke and honour, in generations never attained, that the records of this king-
 doe declare.

His noble mother I leave at her new purchase at Cranford,¹ 12 miles from
 London, amongst her thousands of books, havinge from the Counsells of those
 dead,

¹ Cranford the Country House my Brother James Earl of Berkeley most delights in to w^{ch} he has made
 large Additions.—*Marginal note in the MS. made by Lady Elizabeth Germain.* [ED.]

dead, brought wisdom and happines to her widdowhood, according to the rithmicall disticke,

If that thou wilt true counsell have,
Of dead old men doe thou it crave.

And the vertuous lady Theophila his sifter with Sr Robert Coke her husband, at their house near Kingston¹ upon Thames; Of which mother and daughter, I tell
 Eccles : ca : 7.
 v. 27. 28. their generations to come, That I have found what king Salomon by his own acknowledgment could never find, two good women, And I know (by knowing them from their youths upwards) it lies not in envies power to reprove this passage; And in this I confesse fortunes liberality to my self, That the vertuous memory of these two good ladies will bee somewhat longer by these my labors continued in the generations to come.

I'll pray their name and honor n'ere expire,
But in a melting firmament of fire.

With this addition of comfort to them both, That the one hath a son the other a brother in one person, who having now continued two years in Oxford, is entirely well reported of and beloved throughout the body of that University, and promising for life and learning as hopefully as the University remembreth any of his ranke, in any age before; which in my visits of his Lo^d in termly travells that way, I have often, again and againe, heard and observed, and here professe for truth: And that even now ready for travell beyond seas, if forraigne vices corrupt not the ex-
 915 cellency of these hopes, or discontent upon returne, hee is likely in ripenes of daies to parrallell, if not outstrip the best of his forefathers, which God grant. Howbeit I may not, in the clasping up hereof, without a stain of ingratitude leave the memory of the said lady Berkeley uncommended to posterity; That when I had to the sixth of king James to the utmost of my endeavors, in behalf of the lord Henry Berkeley, pursued for divers years sundry lawe suits against the lord Viscount Lisle, and gained upon him, as appears in the title of his lawe suites: His wily agents, not without his privy, observing that the lease I dwelt upon in Nibley, (then the greatest part of my estate,) might bee avoided, secretly contracted for the Reversion, before I had any other inckling, then from a private whispering, that I should shortly either bee taken from those suits, or seeke a new habitation: But getting knowledge of the plot whilst the writings were in drawing, I countermined by my landlady, a power-
 fol:[753]and after. full

¹ I believe that House near Kingston was Durdens nearer Epsome w^{ch} her Husband left in his will to my Grandfather George Earl of Berkeley w^{ch} was sold to the Duke of Argyle & by him sold to L^d Guilford.
Marginal note in the MS. made by Lady Elizabeth Germain. [Ed.]

full woman with her husband, And gayning a little upon time, I posted the knowledge thereof to this lady Berkeley, and to her husband, and to the lord Henry his father, desiring their directions what course to stirre in that storme, which must either beat mee from their service, or cast mee lower under hatches, then I hoped ever to have fallen : What I received from the father and son, a part of the ladies tre hereafter telleth, But from the lady her self, I had two such tres in two daies ; which remaining as the choicest peeces amongst my evidences, are never to bee forgotten in my generations ; In one of which are these words ; **And** I protest unfainedly if you try any other freind you have in England, besides my self, in this buisines, (fith the father and son are noe more sensible,) I will take greater exception to you then ever I meant to have done. The event was, I prevailed by my landlady (the night Crowe) and, to the dishonesty of my landlord her husband, got the purchase my self, being thereto solely and sodainly enabled by the said lady, whereby my footing hath ever since stood the firmer, and my port the quieter, to record the passage to the honor of her memory. |

Now have I discharged my self of part of that debt which I owed to this 916
ancient family, To the honor of the now lord George and his vertuous sister, to the memory of their noble grandfather and grandmother, And to his lordships prudent mother, the widowe of my master ; And these are those that lived in lumbis Hardingi, that were in the bowells of Hardinge, when, with William Duke of Normandy called the Conqueror, hee first entred England, whereby these wholl relations are but the story of themselves in him, And of him in them : Their Ancestors from him are my circumference, they my center, where all my lynes and labours meete Joyne and end. |

The conclusion of the Author.

917

Sincerely I doe avow before the face of this noble family, That in the volumes of this their story I have dealt clearly without hope or feare ; I have not belyed the dust of the dead, nor flattered the face of the living ; I have represented things truly, I have not adorned, enlarged, or hyperbolized the matter in a lyne or word ; my free genius is at endlesse enmity with such basenes ; fflatterers I hold to bee the basest of slaves ; I have comended nothing to posterity, but what I have found of record, or taken from venerable manuscripts or the sealed Deeds of men, save that in a fewe of the last yeares I have given beleife in a fewe fallies to the last lord Henry lately dead, And to the eyes and ears of my self, assurances to mee above
exception ;

exception ; And I know it lies not in the power of envy or malice to reproach mee of falshood or flattery without injustice.

In such places as I feeme to depart from the comon chronicles of the kingdome, in matter, names, dayes, months or years, it is wherein some of them depart from others, and all of them from matter of record, which I have followed as the Authentike Judge of truth, whereof my marginalls are my witneses, in which kindes I have amended them in many places ; Absit jaſtantia verbo.

Though I know that this and other like noble families have been in divers ages served with many worthy men and minds, yet none have ventured on the history of their lords or masters lives ; whereby for ought I have observed, I am the first and alone that hitherto have run this course of a genealogike history of any patrimoniall family.

Then goe my booke, and serve without disgrace,
Till better come, and then see thou give place.

I have taken into hand year after yeare most of the Records in the Tower of
 918 London, between the first and last whereof some parts of each | of 34 years were spent ;
 And what records and books I have turned over in the offices belonging to the
 kings bench, Rolls chapple, Chancery, Comon pleas, Exchequer, Treaſory, pipe and
 Regiſt : feod :
 miliſt. pell offices, and other places there, let my marginall vouchers, and my books of the
 lord Berkleys tenures declare ; what remaines to bee further done, (as many eares
 of the beſt graines muſt needs have eſcaped the reapers hand in ſo great an harveſt,) my wiſh is, this noble family may ſend forth another to perfect what my life prooves
 too ſhort to finiſh ; My travells alſo and other imployments at home and abroad,
 whereof each part of my life hath ſtood in need, have bereft mee of moſt of that
 time which otherwiſe I had given to this hiſtory : Alſo nine other books of mine
 preſented to this family, have been as theeves in ſtealing much time from this ; But
 why may not my grave expect That this lord George in his maturity of years
 ſhould, as Cæſar did, write his own Comentaries ? And as Octavius the Emperour
 did, the hiſtory of his own life, as Suetonius reports ? And as king Cirus is recorded
 to have tranſmitted to his ſonne the memoriall of his own diurnall actions ? And
 what now remaines of Cæſar ſoe famous as his Comentaries ? And what of Cicero
 as his books of offices written to his ſon ? which for this lord, or ſome other branch
 of this noble family, to performe, would teſtifie their ability for the preſent, and
 perpetuate their memory to poſterity ; Such a ſtory gaines ſtrength and gets author-
 ity

ity by time, And the more antient it waxeth the more excellent is the estimation ;
It advanceth their prayfes in the Affemblies of their generations, and becomes a
living prefident for future pofterities ;

Whereas our Oxford books but only Rules doe give,
The examples of our fathers teach us how to live.

And let this noble family bee affured that their own true hiftory in their own
meridian, erected upon the frame of example and caution, will bee more forcible then
a thoufand fictions, fpending their readings upon impoffibilitities and views of Caftles
in the aire. |

Let it not difcourage to underftand, that I have fpent a wholl week together 919
in a fearch, and returned without the gleanings of a note to enlarge a line herein ;
nor the application of that of the poet,

Apparent rari nantes in gurgite vasto.

The old Atcheivements and actions of private men, appeare but now and then
floating in the great gulfe of time.

Virgill: *Æniad*
Lib. 1.

Industry will double what I have but begun ; To the laborious, God is
always propitious : And this family can never think their own hiftory, (the ftory of
it felf,) too voluminous, which in this prerogative will triumph over all hiftories ;
That where others give life and light to the World, this beckens and holds up the
finger to this family alone ; Others, from others ; This family from the Acts and
examples of its own Anceftors, ever fince time hath left any thing in certainty ;
whereby they behold their own lyne tryumphing over time, which nothing but
eternity hath triumphed over ; making thofe of them that now live, as if they had
lived then ; and them to represent their dead acts upon the ftage of their prefent
view and judgment, As how they flourifhed, how they ftumbled or fell, how vertue
and piety made them prosperous, how vice and difcontent deformed them ; which
thereby will bee delivered unto them out of the depth and darknes of the earth :
And, fith the fons of noble parents are bound by a kind of neceffity not to degenerate
from the vertue of their Anceftors, let it ever comfort the enlargers of this family to
know, That nothing can bee more acceptable to a noble and heroicke family then to
read it felf ; And its felf to bee the fubftance of its own reading ; And that their eye
cannot bee caft thereon but their Anceftors feem prefent and represented unto them,
And themfelves the glaffe that represents them to themfelves, as in their proper
fpheare : If they bee vertuous, it will incite them to goe on in nobler undertakings ;
If otherwife, they will fear the pen, and to avoid reproach with their fucceeding
generations,

generations, (knowing that books have an immortality above their vices,) will change
 920 their course, and | not endure to bee held a bastard branch degenerated from the
 stocke of so honorable forefathers ; But howsoever the event bee, thou (whosoever
 thou art) hast done the part of an honest man, And thy rewarder is in thy bosome.
 And further to incite to foe noble an undertaking let this family rest assured, That a
 masse of materialls both legall and historicall reflecting upon this Berkeleian race,
 lye hid in manuscripts and in the records of the kingdome, kept in the Tower of
 London, Exchequer, Pipe Office, Chapple of the Rolls, in the paper chamber of
 State affairs at Whitehall, in the Journalls of Parliaments, And in the registers of
 the Bishops of Worcester and divers other old Bishoppricks ; And in numberles
 manuscripts preserved in the publick and private libraryes of the Universities,
 Colledges and Halls of Oxford and Cambridge ; And also in the libraryes and
 Chapter houses of many Cathedrall Churches ; And with the old Societies and
 Companyes of the Citie of London, and other ancient Cities and Burrow townes ;
 And in the private studyes of many excellent men, as S^r Edward Coke, S^r Robert
 Cotton, S^r John Burrowe, M^r John Selden, and divers other ; Into some of which
 places, though I have but pryed, and others scarce saluted afar of, yet I confesse to
 have drawn the better half of these relations out of some of those honorable and
 spacious feilds, where still remaine many fragrant and faire flowers sweetly resenting
 upon the perticuler acts and employments of this noble family ; And my grave shall
 blefs that foot that walketh after them, And that hand that picks them up and
 bundles them with these.

To conclude, I have now anatomized the filmes and insides of this noble race,
 and considered of their secret walkes for 550 . years ; And after my 40 . years
 fweeping of each corner of their habitations, And all my tumblings and tossings of
 921 historyes and records, printed and manuscripts, and prying | into the Courts of
 Judicature, I avow, (my witnes is in heaven,) That I have not at all observed foe
 good a race, of twenty discents, not any one of them in that length of time, and of
 times troubles, having been Attainted. And it is probable, That it hath been one
 of the preservations of this durable family in all their generations, neither to have
 been often clouded with the frownes of their princes, nor to have fate too neare to
 their immoderate favors ; but to have had the warmth of the Court in a moderate
 distance, not in too neare nor scorching an aspect or reflexe.

In handling of this Berkeleian history I have not been able to stand upon
 termes of learning, (though hee writes eloquently that writes honestly ;) I am too
 privy

privy to mine own ignorance; I know well, quàm mihi sit curta supellex, how my Schoole studyes, but shrubbs and brambles at the best, have been overlonge discontinued; And now before the clasping up hereof, fower and thirty years a professed plowman, having all that time eaten much of my bread from the labours of mine own hands; And that being but a dwarfe in my best stature, I was to creepe upon the shoulders of taller men for the furniture of this story, And with Zacheus to climb other mens trees to see my wayes the better: And in a word, I willingly with the comicall poet say That I have herein dealt by way of clofe pilfering; **I only** have had the happines to gather things togeather that were scattered into many corners of this kingdome, and into some parts of forraigne nations to bring those atcheivements to light that longe had lyen in darknes; And to preserve in one body for the after ages of this family what would have been lost in parts, and could not well have lasted half this age: **This history** thus gathered is now become a portion of the lawfull inheritance and birthright of your noble family; To whom not to present it, is a with-holding your right; You not to accept it, how raggedly soever clothed, is to reject a portion of your ancient possessions: | for by the providence of the Almighty, the wholl is fallen to your lotts as the right heires and inheritors of them.

An Apostrophe.

922

Neither in all this history am I otherwife than as your Ancestors Amanuēsis; I write as they did; I am but as the scribe of their Deeds and sayings; I am not guided by my self but by their works and words: It rests that you the now lord George propose to your self in maturity of years the upright steps of those your Ancestors wherein they honorably walked; than which nothing doth or can more incite you to their vertue and frugallity: You have of them many admirable peeres and couples for your presidents, excellent examples of eminent vertues; At them to poynt sufficeth; Robert the first, Thomas the second, Thomas the third, Maurice the fifth, Thomas the fifth, &c. their harvest is plentifull and by you to bee Inned; your flesh and bloud is made of theirs; Compare you these and other your Ancestors past with your self present, times ancient with moderne, wherein your own genius or noble disposition will receive best satisfaction: They as fathers by preceding had the happines to bee your patterns; you by succeeding these samplers have the advantage of imitating their vertues, and of adding to their honor; The usuall praise of good kings in the Scriptures phraze, is That they walked in the waies of their fathers; better presidents of good fathers you cañot have; The first fruits being so holy, the after-lumpe, unless you degenerate, cañot be foure: The pomegranate is not more full of kernells then they were in vertuous actions and Almsdeeds;

now aged, 16.
years 5. months.
May. 1618.

And

And domestically examples in patronimically families have with all worthy men ever moved more than forraigne : And as all noble minds doe endeavour to imitate the worthy Deeds of their famous Ancestors, soe do such by all meanes industriate themselves to avoid that which in their predeceffors was judged worthy of blame.

Anno. 1618.

923 And finally I doe faithfully tell you my most honoured lord, That towards the later dayes of your noble grand-father, I related to him upon occasion of the composition for Wotton and other Manors, then made with the lord Lisle, many of the most remarkable passages of these his Ancestors since Harding the Dane ; which hee seemed exceedingly to delight in, And willed mee, That I would declare as much to his son Thomas, the better to know his forefathers ; And when hee was dead, (wee fallen upon the like subject) that noble lord once or twice in the next two years after, (before himself slept with his forefathers,) willed mee, (And his will thus doubled was to mee more than a treble commandment,) if I lived till the riper years of his grandchild George, (those were his words,) That I would inform him of the same, which I willingly then promised to doe, And have now performed beyond that promise : Howbeit I never Intimated to him, (though I then and divers years before intended it,) my purpose of writing their lives, as now by the favour of God I have done ; w^{ch} here I end, with this request to you, and to your noble family, (I speak to none other,) That if any of you shall observe any slip of pen, number, marginall, or other small mistake, (which I hope, at the most, are few, if any,) That yee would reforme them favourably, And fairly say, as often I have herein said of others, It was the Scriveners fault, And that no man can depart from the condition of erring : And that men and the works of men are not born perfect and with beards upon their chins ; That our best parts are full of errors, And man is the child of dust and father of error : figures or notes in my pocket-paper-books curfarily taken in my searches, may bee mistaken, or my clarks erre in often transcribing, both in paper and parchment ; And to have reviewed my paynes in both would have exceeded the paynes I reviewed, which the small remains of my withered age, and the monthly affairs of a turmoyled life, would have denyed at my entrance ; But if I have erred in matter, (as I hope I have not,) I yet have a
924 happines which some | want, authority for those errors ; Witnes the margents of my books.

The God of all mercy and goodnes who hath been gracious to this Family throughout all their generations, shoure down his blessings in greater abundance upon you my hopeful lord, your noble mother, and sister, and your posterities unto the end of all eternity : In honour of whose memories, and as a manifest of my
thankfulness

thankfulnes to yee and your honorable family, for the education of my youth and the many favours yee have conferred upon mee, And in satisfaction of part of that obligation which I owe by particular duty to each of your vertues, I have undergone these collections, (the labours of my youth and age,) not esteeming with my self any travells or expence therein otherwise valuable then that they have issued from humble endeavours, neither in further degree to bee meritorious then as yee by your benigne acceptance shall value them; towards whom my gray hairs and decaying age shall more glory to bee always found an honest and humble servant, then I shall to comānd absolutely in any other calling : With my begging of the All-good, and Allmighty God, That that hand of heaven which happily hath given you three to this family may protect and sheild yee in your goings out and comeings in : And that his mercy may bee evermore nearer unto yee, then yee to any dangers ; The God of goodnefs perpetuate your happinefs and grant you length and prosperity of daies here, peace at the time of your passage out of this world, And an happy resurrection to eternall life ; The which that it may bee let all that read hereon and love your family say, as I pray, Amen, Amen, Amen. |

The request of this Historp.

925

Read over first, then judge, condemn not thou before,
With judgement just reject, or else imbrace my lore.

Mine author is the first, and last, as I suppose,
That ever did assay, these lives for to disclose.

If ought mistaken bee, and seem to thee unsound,
With pen I pray amend, and not with tongue confound.

H. A. to the Author.

Now with the filke worme thou hast work't thee int' thy Tombe
As having done thy duty in thy roome,
Thy task is past, And all thy labouring toile is gone,
And now it rests for them that read hereon.
That when thy paynes for Berkeleis name they see,
Thy love with like, they should requite to thee.
But if malignant bee, the tongue of any groome,
Thy grave tells them, this work doth scorne their doome. |

The

The same H. A. to the Author.

This first of works framed by thy painfull hand,
 A monument of thy deserts shall stand,
 Which neither time nor malice shall deface,
 Outlasting life, and to thy name a grace.
 What forty years both farr and wide hath fought,
 Thy toilsome foot into this hive hath brought :
 In spite of those that shall thy paines contemne,
 Who Berkeley loves, will honour thee, and them :
 ffor why still shall this of thy Chronicle bee read,
 It brings back time that's past, and gives life to their dead.
 And now, what needeth Berkeley more, t'inlarge their name,
 This work itself doth Chronicle their living fame.

The same H. A. to the Author thus.

These volumes are a glasse to see, how thou thy mind hast bent,
 Thy body toyld, thy time bestow'd, and many a pound hast spent,
 In sleeples nights, in restles days, in places farre and neere,
 In searching this, in finding that, in labors here and there.
 Preferring still the Berkeleis good, neglecting still thine own,
 And art content that they should reape, the seed w^{ch} thou hast sown.
 And when detraction shall forgotten bee,
 This will continue to eternize thee.

The end of the third and last volume containing the lives of the
 feaven last Ancestors of the ancient and honorable family of the Berkeleis,
 including the lord George that now liveth ; wherein 127 . years are taken
 up, viz: from the 7th year of king Henry the 7th Anno, 1491, till the 17th
 year of the raigne of king James, of England, &c. Anno 1618.

finis.

The record on folio 925 and what is above, except the last paragraph, are not in the presentation
 copy in Berkeley Castle, but that copy contains the following explanations of the Marginal references.—
 [Ed.]

The Authorities briefly quoted in the margents of this history, are 927
thus opened and explyned, viz:

Rot. pip. 3. H. 2. understand the great pipe roll in the pipe office in the Exchequer of the third year of king Henry the second. And so of y^e rest.¹

Plita in banco Mich. 17. H. 3. rot. 1. understand the record in the comon place in Michmas Terme in the 17th year of king Henry the third, the first roll: And so of the rest.¹

Fin: in banco. 5. E. 2. understand, a fyne leavyed in that Court the 5th year of king Edward the second: And soe of the rest.¹

Rot: cart. 7. Johis. n^o 80. m. 9. understand, the Roll in the Tower called the Charter roll in the 7th year of king John, at the 80th number as it is figured, and the ninth skyn or parchment roll; And soe of the rest.¹

Plita Affis: coram Abbe de Evesh: 5. H. 3. in banco. understand the pleas or suits before the Abbot of Evesham and his fellow Justices Itinerant, in the fifth year of king Henry the third, in the Court of Comon pleas. And so of the rest.¹

Esch: 20. H. 6. n^o 30. understand, an Inquisition or office found after the death of that man, in the 20th yeare of Henry the sixth, the 30th Skyn in that bundle; And soe of others; which if it bee before the first year of king Richard the third, then it is in the Tower; if after that year, then it is in the Chapple of the Rolls in Chancery Lane.¹

Aug: cartul: Idest, A great old book of old Charters and Deeds therein
anciently written in Berkeley Castle.²

Rob: de Ricart: Idest, An ancient parchment manuscript book written in the
time of king Edward the fourth, in the Custody of y^e Townclarke
of the Citie of Bristoll for the time being.³

By, cart: pat: fin: claus: 4. E. 3. m. 2. n^o 3. or Rot. cart., Rot. pat., Rot. fin.,
Rot. claus:—understand, the Charter roll, Patent roll, fyne roll, or Roll of the fynes,
and

¹ All these Ancient Records have been collected and are now deposited in the Public Record Office. [ED.]

² The Bristol and Gloucestershire Archæological Society propose to print this Manuscript in continuation
of SMYTH'S Manuscripts. [ED.]

³ This Volume was Edited by Miss Lucy Toulmin Smith, and printed for the Camden Society in 1872.
[ED.]

and the rolls called close rolls, in the Tower or Rolls chapple in those years, in the 2th membrana or skin of p[ch]ment, And y^e 3th number, as the same rolls are marked, And in the 4th year of Edw^d the 3^d; And foe of all the like, wherewith each
 928 margent almost hath many: And if it hath | pars. 1. or pars. 2. or pars. 3. Then conceive foe many of that kind of Rolls to bee of that yeare.¹

Hill: rec: or Hill: fin, or originall: 4. E. 3. rot. 7. in Sc̃io. understand, the records of Hillary Terme in the 4th year of king Edward the third, the 7th roll, in the Excheq^r in the office of the lord Treasurers remembrancer, called Osbornes office; And so of the roll called the fyne roll, or Rot. finiū and Originalls in the same place. The like of all others of that kind, whereof very many are in the margents.¹

Liber feod. mil. in Sc̃io.—Is an ancient book of knights fees in the Excheq^r wth the kings remembrancer, called ffanshawes office; And so of lib: rel: to bee a book of Releeves in Osbornes office aforefaid.¹

Ad quod damnū. 2. E. 4. n^o 112. — understand, an Inquisi^on taken by the Escheator upon a Writ called Ad quod damnum, comonly when lands were to bee aliyened in Mortmayne, in the second year of king Edward the second, and in the 112. Skyn in the bundle. And so of many of the like.¹

Pardon, or Rot. pardon. 2. E. 4. m. 5. — understand the pardon roll of that year, whereby the king granted pardons to his subjects in that yeare, entred in the 5th membrane or pchment roll, as they stand numbred in the roll.¹

Liber M. S. — understand a manuscript or written booke with that man, or in that place, never printed: And foe of the like.

Ant. Cartæ. B. Are the rolls in the Tower called Antiquæ cartæ, distinguished by the tres of the Alphabet.¹

Rot. Normā. Rot. Scotiæ: Rot. vascoñ: Rot. ffrank: Rot. Romæ: Are called the forren rolls in the Tower, And containe the buisines of y^e kings of England in Normandy, Scotland, Gascoine, and Gwien, ffrance, and in the Court of Rome with the Pope or his Cardinalls.¹

Plita

¹ All these Records are now deposited in the Public Record Office. [Ed.]

Přita coram rege, or in banco regis. — understand, the records in the Court called the kings bench, of the year, Terme, and roll there noted : And so of other Courts.

Comp: de Ham:, Comp: Rec:, Comp: Gard:, and Carř in castro de Berkeley, and the like;—Are Accompts of the Reeves of manors, Receiv^{rs} of the lord Berkeley, and of the Wardrobe there, Deeds and the like remaining in Berkeley Castle of those years in the Evidence house there, wth the keys whereof I have been entrusted more then forty years.

The rest I conceive need no explanacōn, by a reader of understandinge any whit acquainted with Records. If not let him believe well of that which hee apprehendeth not.



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